

Comment Letter I301 (Melissa Macko, April 22, 2010)

Kris Livingston

I301

From: Melissa Macko [mmmacko@yahoo.com]
Sent: Thursday, April 22, 2010 11:22 PM
To: HSR Comments
Cc: Syed Murtuza; Mayor Cathy Baylock
Subject: HSR Concerns
Attachments: HSR.doc

To Whom It May Concern:

Please find attached letter expressing my concerns regarding the potential construction of a HSR through Burlingame.

Sincerely,
 Melissa Macko

Date: April 22, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

☐ I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase a lot and cause problems at the following addresses/location and for the following reasons:

___Burlingame is a pedestrian community; adding the HSR through our city would make shopping at the retailers in downtown Burlingame or on Broadway unpleasant with the significant and frequent increase in noise. Plus the proximity to the high school and parks frequented by families would cause disruption.

☐ HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe 4 more tracks if passing sidings are needed. This is a big change from the way it is now and would be like putting a freeway through the center of Burlingame. Further it would divide the high school from the residents on the other side of the tracks and divide the east and west side residences. To avoid this, I want HSR underground the tracks.

☐ Aerial tracks will be like putting a freeway where there used to be just 2 train tracks. There will be impact on community cohesion with aerial tracks dividing our city.

Please explain how you concluded that the noise impact on our community would be "low".

☐ Although Caltrain already runs through our neighborhood, the proposed changes will be a huge change that will be harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will be harm how our neighborhood looks and will dominate the landscape. Currently, approaching Washington Park from Burlingame Avenue, walkers and bikers enjoy views of the lovely urban forest that anchors the front of the high school which would be shrouded by the HSR.

Please explain how you concluded that the visual impact of HSR on our community will be "low."

☐ My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property must be taken to run these temporary tracks. I am specifically worried about this division at the following address:

1

I301-1

I301-2

I301-3

I301-4

I301-5

1

Comment Letter I301 - Continued

2

3

- ☐ HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. I301-6
- ☐ I don't want trees cut down along the Caltrain right-of-way in Burlingame. I301-7
- ☐ I have children who attend the following schools:
- Roosevelt Elementary School. Although my children do not cross the section where the HSR would be built, many students at our school would have to cross this section of Burlingame to get to school. 300 (number) students attend this school, which is in session from 8:30 a.m. - 3 p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment. I301-8
- ☐ Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom. I301-9
- ☐ Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.
- ☐ Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at the high school and in neighboring businesses and homes. I301-10
- ☐ Please describe the effects and how you will mitigate them.

[Continued on next page]

To avoid the problems indicated, you should:

- ☐ Put the high speed train in a tunnel.
- ☐ Put the high speed train in a covered trench.
- ☐ Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
- ☐ Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I301-11

Very truly yours,

____Melissa Macko

 1257 Cabrillo Avenue
 Burlingame, California 94010

cc: Cathy Baylock, Mayor, City of Burlingame
 cbaylock@burlingame.org

Assemblyman Jerry Hill

19th District, 1528 S. El Camino Real, Suite 302, San Mateo, CA 94402, Tel: (650) 349-1900, Fax: (650) 341-4676

Senator Leland Yee

District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402, (650) 340-8840

Senator Joe Simitian

11th District, 160 Town & Country Village, Palo Alto, CA 94301, Phone: (650) 688-6384, Fax: (650) 688-6370

Congresswoman Jackie Speier

12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

Response to Letter I301 (Melissa Macko, April 22, 2010)

I301-1

See Response to Comment I031-2 regarding noise and vibration.

I301-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I301-3

The noise impacts along the Caltrain Corridor are rated low only for those alignment alternatives that are either in a tunnel or passing through sparsely populated areas. Overall, the noise impact rating was identified at the program level to be "Medium" as shown in Table 3.4-4 in Chapter 3.4, Noise and Vibration, in the 2008 Final Program EIR. The medium noise impact rating is based on: (1) grade separations which would eliminate the need for bells at crossings and for the Caltrain trains to sound warning horns as they approach each grade crossing; and (2) lower operating speeds resulting in noise levels similar to the existing Caltrain operations. See also Standard Responses 3 and 5.

I301-4

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping

would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

The photosimulation provided in the 2008 Final Program EIR shows a partially elevated railway crossing a partially depressed North Lane at the Burlingame Caltrain station. The trees of Washington Park would still be visible behind the new structure. They are tall and visually dominant. The grade-separation eliminates the barrier to access of closed crossing gates from the pedestrians, bicycles and auto traffic crossing from Burlingame Avenue towards the high school.

I301-5

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be

assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I301-6

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I301-7

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I301-8

Site specific noise/vibration, construction, and train operational impacts on sensitive receptors such as schools, will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I301-9

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. Site specific noise analysis, including a detailed evaluation of impacts to sensitive receptors such as schools, will be part of subsequent project-level EIR/EISs. The Authority will consider the comment as part of the project-level EIR/EIS processes. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I301-10

See Response to Comment I028-10.

I301-11

See Standard Response 10 regarding alternatives.

Comment Letter I302 (Jim Baleix, April 26, 2010)

Kris Livingston

I302

1

From: Jim Baleix [jimbaleix@gmail.com]
Sent: Monday, April 26, 2010 5:14 PM
To: HSR Comments
Cc: assemblymember.hill@assembly.ca.gov; assemblymember.ruskin@assembly.ca.gov; senator.yee@sen.ca.gov; senator.simitiaN@sen.ca.gov; cbaylock@burlingame.org; tnagel@burlingame.org; akeighran@burlingame.org; mbrownrigg@burlingame.org; jdeal@burlingame.org
Subject: HIGH SPEED RAIL
Attachments: HSR Burlingame.doc

SEE ATTACHED

Date: April 26, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

☐ I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase a lot and cause problems at the following addresses/location and for the following reasons:

_831 EDGEHILL DR

I302-1

Please analyze and describe how noise levels will increase at these addresses.

☐ HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe 4 more tracks if passing sidings are needed. This is a big change from the way it is now and would be like putting a freeway through the center of Burlingame. Further it would divide the high school from the residents on the other side of the tracks and divide the east and west side residences. To avoid this, I want HSR underground the tracks.

I302-2

☐ Aerial tracks will be like putting a freeway where there used to be just 2 train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

☐ Although Caltrain already runs through our neighborhood, the proposed changes will be a huge change that will be harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will be harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt how make my area looks:

MY GRAVEST CONCERN IS THAT THE VISUAL APPEARANCE OF THE PROPOSED ELEVATED TRACKS WILL DESTROY THE AMBIANCE OF THE COMMUNITY THAT THE TRACKS BISECT. EXAMPLES OF THIS CAN BE FOUND IN CHICAGO (UNDER THE 'L' TRAIN) AND THE FORMER EMBARCADERO FREEWAY IN SAN FRANCISCO. I ALSO BELIEVE THAT ELEVATING THE TRAINS WILL IMPACT THE TRANQUILITY AND PRIVACY OF NEIGHBORING HOMES, WHICH WILL HAVE A SIGNIFICANT DETRIMENTAL AFFECT ON PROPERTY VALUES AND QUALITY OF LIFE IN THE AREA.

I302-3

Please explain how you concluded that the visual impact of HSR on our community will be "low."

☐ My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property must be taken to run these temporary tracks. I am specifically worried about this division at the following address:

I302-4

1

Comment Letter I302 - Continued

2

3

☐ I don't want trees cut down along the Caltrain right-of-way in Burlingame, THESE TREES ABSORB SOME OF THE NOISE CAUSED BY THE TRAINS AND ACT AS A VISUAL BARRIER AS WELL. I302-5

☐ I have A GRANDCHILD who ATTENDS the following schools:

__TEMPLE SHALOM, OFF TROUSDALE _____

_____. ____ (number) students attend this school, which is in session from 8:00 a.m. – 3:00 p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment. I302-6

☐ Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

☐ Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

☐ Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at (address) __831 EDGEHILL DR _____ I302-7

Please describe the effects and how you will mitigate them.

[Continued on next page]

To avoid the problems indicated, you should consider alternative routes to the present Caltrain corridor and methods of construction that will not have such devastating impacts on my community. I302-8

Very truly yours,

JIM BALEIX
831 EDGEHILL DR
Burlingame, California 94010

cc: Cathy Baylock, Mayor, City of Burlingame
cbaylock@burlingame.org
Assemblyman Jerry Hill
19th District, 1528 S. El Camino Real, Suite 302, San Mateo, CA 94402, Tel: (650) 349-1900, Fax: (650) 341-4676
Senator Leland Yee
District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402, (650) 340-8840
Senator Joe Simitian

Response to Letter I302 (Jim Baleix, April 26, 2010)

I302-1

See Response to Comment I031-2 regarding noise and vibration.

I302-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I302-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Comment Letter I303 (David J. Mani, April 24, 2010)

I303

Kris Livingston

From: Dave Mani [fia64@earthlink.net]
Sent: Saturday, April 24, 2010 7:58 AM
To: HSR Comments
Cc: Marc.Hershman@asm.ca.gov; cbaylock@burlingame.org; Lieberman@sen.ca.gov;
 simitjan@sen.ca.gov; margo.rosen@mail.house.gov
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment

Date: April 24____, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814
 Email: comments@hst.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

X□ I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following addresses/location and for the following reasons:

1

 Please analyze and describe how noise levels will increase at these addresses.

X□ HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

X□ Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

X□ Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt my area's look and feel:

_Devalue all the properties within visual sight and hearing level of an overhead HSR. This will decrease the city's tax base. If you went underground with BOTH CalTrans and HSR, then the property values all around the existing CalTrans corridor would go up, and the city's tax base would go up as well. Additionally, the vacated corridor property could be developed adding even more to the city's tax base. Your proposal for overhead HSR is a negative impact all around...visually, auditory, and financial

Please explain how you concluded that the visual impact of HSR on our community will be "low."

X□ My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division at the following address:

_California Dr /OakGrove corridor from Millbrae /Burlingame border thru Peninsula Ave,
 Burlingame_____

I303-1
cont.

I303-2

I303-3

I303-4

2

Comment Letter I303 - Continued

☒ HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I303-5

☒ I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I303-6

☐ I have children who attend the following schools:

_____ (number) students attend this school, which is in session from _____ a.m. - _____ p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

☒ Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I303-7

☒ Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

☒ Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at (address)

The entire Burlingame corridor that will be adjacent to your proposed overhead rail. _____

I303-8

Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should:

☒ Put the high speed train in a tunnel.

☒ Put the high speed train in a covered trench.

☒ Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.

☐ Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I303-9

Very truly yours,

__David J. Mani_____

PRINT NAME

_826 Alpine Ave._____

PRINT STREET ADDRESS

Burlingame, California94010

[Continued on next page]

Response to Letter I303 (David J. Mani, April 24, 2010)

I303-1

See Response to Comment I031-2 regarding noise and vibration.
Also see Standard Response 5.

I303-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I303-3

See Response to Comment I299-2. See Standard Response 6.

I303-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation

construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I303-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I303-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction

impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I303-7

See Response to Comment I003-19 regarding noise and vibration. Site specific noise and accessibility impacts during construction and operation of the HST to sensitive receptors, such as schools, will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes. Also see Standard Response 5.

I303-8

See Response to Comment I028-10.

I303-9

See Standard Response 10 regarding alternatives.

Comment Letter I304 (Frederick Galine, April 1, 2010)

To: Dan Leavitt, California High Speed Rail Authority
925 "L" Street, Suite 1425
Sacramento, CA 95814

April 1, 2010

I304

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to submit comments to the Revised Draft Program EIR (EIR). I live very close to the existing Caltrain tracks in Burlingame, so I am extremely worried about losing my property through Eminent Domain.

Your EIR at pg. 5-2 states: "Cities that are known to have narrow Caltrain rights-of-way include Millbrae, San Mateo, Redwood City, Atherton, Menlo Park, Palo Alto, Mountain View and Sunnyvale. In these locations the PCJPB right-of-way would not be sufficiently wide enough to accommodate all four tracks and at the program level would result in the need to acquire up to approximately 10 acres of additional adjacent property at various locations between San Francisco and San Jose." At pgs. 6-2,6-3,6-10,6-11,6-14,6-15,6-18,6-19,7-8 EIR states that "Between San Francisco and Lick ...although property acquisition would be required for a 4-track at-grade alignment in the more narrow portions of this right-of-way" and references now that "Heritage Trees" would need to be taken through Eminent Domain. Pg. 7-9 refers to "considerable number of organizations, agencies, and individuals who have expressed concern regarding potential impacts on the Caltrain Corridor" and pg. 7-22 refers to "considerable city and community concern for implementation of HST along the Peninsula overall" and pg. 7-24 refers to "potential impacts along the Caltrain Corridor including: alignment, environmental consequences, local growth, station planning and land use as well as noise, vibration, biological and cultural resources." **I am concerned and comment on these new sections of the EIR:**

1. SUICIDES AND DEATHS: At Grade (street level) design anywhere from San Francisco to San Jose would be a negligent design and likely result in increased suicides as an "attractive nuisance". Caltrain only travels at 50 mph through the Peninsula at street level and yet in 2009 there has been an increase in suicides, particularly in Palo Alto, about 20. If the HSRA trains travel anywhere at street level between San Jose to San Francisco at 120-150 mph, then suicide deaths will likely increase due to the attractive nuisance of individuals wanting to publicize their suicides via "death by HSRA train at 150 mph" headlines. Additionally, at street level design would likely lead to at street-level deaths and accidents between pedestrians/automobiles and the HSRA trains. There are many elderly residents in the Peninsula who stop on the tracks currently and may be unable to avoid the 120-150 mph trains at street level. Further, Caltrain's elevated tracks do not prohibit individuals without tickets from entering elevated platforms. However, underground tunnels the entire length from SJ-SF, with required ticket purchase prior to entering (similar to BART), would prevent these suicides and at street-level deaths. City of San Mateo's suggestion for a "raised alignment" at their Hillsdale/Bay Meadows site means, by definition, that 120-150 mph trains must be "at street level" in San Mateo prior to this, which would likely lead to wrongful death suits due to pedestrian/car accidents and/or increased suicides – no other SJ-SF City is suggesting a negligent design of street-level High Speed Trains. Because the HSRA is a public state agency, this document constitutes actual notice and constructive notice of these issues (and other issues raise in this letter) inherent in this negligent design and must be retained and produced pursuant to later litigation, pursuant to a Public Records Request or discovery request. See attached newspaper articles re Suicide Deaths on Caltrain tracks.

2. ARSENIC: A street-level or elevated track design would also cause arsenic to be kicked up, which is in high levels near Burlingame High School, San Mateo High School, Sunnybrae school, and along the existing Caltrain tracks. In order to property construct anywhere at street-level or to build elevated tracks, the entire neighborhoods around existing tracks would need to be zoned off and sealed, similar to asbestos demolition projects, due to these dangerous arsenic levels. These costs and health issues are not present if HSRA tunnels the entire length from SJ-SF. See attached newspaper article regarding arsenic near Caltrain tracks and schools.

3. HOME OWNER TAKINGS VIA EMINENT DOMAIN: A street-level or elevated track design requires vast amounts of homes, businesses, apartments, etc. to be taken through Eminent Domain (ED). I am concerned about the "10 additional acres of adjacent property", the "property acquisition" and change from "low to moderate property impacts" in the EIR. I am also concerned that HSRA's pamphlet regarding ED states that I may lose my Prop. 13 Tax Exemption if forced to move, that HSRA may "move for early possession" of my property through Condemnation Litigation, and that I would be required to hire an attorney to answer a complaint "within 30 days" of service of the Complaint. These vast ED takings would constitute the "largest taking of private residents' property in California history" if your design was based on street-level or elevated tracks. However, if the HSRA tunnels the entire stretch from SF-SJ, then these ED takings won't be required, and substantial costs would be saved, and litigation expenses in condemnation proceedings. Alternatively, HSRA riders can be required to exit trains at San Jose and take *existing* Caltrain Baby Bullet trains from SJ-SF that would only take **10 additional minutes** over the HSRA's proposed times for SJ-SF. In lieu of this extra 10 minutes, I strongly propose that government=HSRA not use "Eminent Domain" to unnecessarily take my property, my home where I raised my family and children, nor that of my neighbors and friends.

4. CHILDREN & NOISE, SOUND, VIBRATION IMPACTS: A street-level or elevated track design, would likely cause the many schools located near the existing Caltrain tracks to be permanently or temporarily closed due to HSRA construction and/or after final completion. In the SJ-SF Corridor, there are approximately **35 schools** that would likely close or be severely negatively impacted, including Sunnybrae Elementary in San Mateo, and Burlingame and San Mateo High Schools. Trains at street-level or on elevated tracks will cause severe noise, sound, and vibration impacts that will negatively affect the children's ability to study, concentrate and learn. And, since there is nowhere in the World where high speed trains come through the middle of a residential community (where schools, children, elderly already pre-exist the High Speed Trains) via a street level or elevated track design, it is also inconsistent on the Peninsula. Alternatively, tunneled tracks from SJ-SF will mitigate these noise, sound and vibration impacts.

5. RACIAL INJUSTICE AND CIVIL RIGHTS VIOLATIONS: A street-level or elevated track design would raise serious and potentially legal racial injustice and civil rights issues. Along the existing Caltrain tracks there are large numbers of Hispanics, African-Americans, and new immigrant residents. These families would suffer the most from vast Eminent Domain takings, and they could not afford attorneys to represent them in Condemnation proceedings "within 30 days" as stated in HSRA's Eminent Domain handbook. Additionally, a street-level or elevated track design will require two "Berlin Wall" type sound walls on each side of the train tracks. These 40-foot high walls will literally and figuratively split the residential communities and Cities along the Caltrain Corridor in half, along racial lines, with Whites/Caucasians on the West side and Minorities on the East Side. This racial divide will be created through a negligent design from the HSRA if street-level or elevated tracks are selected, and would likely be investigated by the federal EEOC or California DFEH pursuant to citizen's concerns. However, tunneled tracks/trains from SJ-SF prevents this racial injustice.

Frederick Galine, Burlingame, California

Copy: Burlingame City Council, Attn: Mayor Baylock
California Assemblyman Jerry Hill
California Senator Leland Yee
California Assemblyman Ira Rusk
California Senator Joe Simitian
California Congresswoman Jackie Spier
California Congresswoman Anna Eshoo

Comment Letter I304 - Continued

Not Again: Caltrain Investigates Palo Alto Suicide | NBC Bay Area

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Not Again: Caltrain Investigates Palo Alto Suicide

Death may be fourth train-related suicide at Silicon Valley high school

By LORI PRELUIT

Updated 3:18 PM PDT, Tue, Oct 20, 2009



For the fourth time in less than a year, [Caltrain](#) is investigating an apparent suicide on the tracks near [Gunn High School](#).

A Caltrain spokesperson says the victim is a teenage boy. He died on the tracks Monday evening within a few yards of three other suicides of Gunn students. A source told NBC Bay Area he was a student at Gunn.

Southbound train 194 struck and killed the teen between at E. Meadows Drive and E. Charleston Road at around 10:50 p.m., Caltrain spokeswoman [Christine Dunn](#) said.

The most recent suicide was Aug. 22 when a 13-year-old girl, an incoming Gunn freshman, was struck and killed.

Officially, Caltrain is still trying to confirm the latest death as a suicide.

"We owe it to the victim as well as to the community to do a complete and thorough investigation before we release any information," Christine Dunn said.

Caltrain has spent more than \$17 million for pedestrian gates, fencing and signs to improve safety at their street crossings and help keep people off the tracks.

In addition to the actual physical changes at the tracks, there's also a focus on mental health as a result of the student suicides.

Two local meetings on the topic are planned for Wednesday, one facilitated by Caltrain in which community leaders and local mental health professionals will discuss the issue. Participants will include representatives from the Palo Alto Unified School District, the San Mateo County Health Department and Peninsula Health Care District, and various police departments.

That meeting, scheduled for Wednesday morning, is not open to the public.

A separate, public meeting is planned for 7 p.m. at the Cubberley Community Center and will feature a panel of middle and high school

1 of 2

4/1/2010 6:11 AM

Not Again: Caltrain Investigates Palo Alto Suicide | NBC Bay Area

<http://www.printthis.clickability.com/pt/cpt?action=cpt&title=Not+Ag...>Attachment
to I304

students and talks by specialists in child and adolescent psychology from Lucile Packard Children's Hospital.

The community center is located at 4000 Middlefield Road. The event includes a resource fair that begins at 6:30 p.m.

Both meetings were in the works prior to Monday's death.

Dunn said she does not yet know whether there are plans to increase patrols at the crossing but said transit police patrol regularly and may have stopped a number of would-be suicides this year.

"Our transit police have been able to successfully intervene more than 12 times since the beginning of the year, taking people who were suicidal off the right-of-way," Dunn said.

Caltrain contracts with the San Mateo County sheriff's office, which provides a team dedicated to policing the train tracks.

Anyone seeking help or counseling services can call [Adolescent Counseling Services](#) at (650) 424-0852. The Palo Alto organization contracts with the Palo Alto Unified School District to provide a counseling presence at middle and high schools in the district.

Teens can also call a health, relationship, crisis, and information referral line at (888) 247-7717. The dispatch service directly connects the caller to needed services.

Another local organization, Kara, provides grief support for adults and teens. Kara has also worked with the PAUSD to provide counseling at the schools and can be reached at (650) 321-5272.

For immediate help, especially outside of daytime hours, Santa Clara County operates a 24-hour suicide and crisis hotline. Residents in the north county can call (650) 494-8420, central county residents can call (408) 279-3312, and south county residents can call (408) 683-2482.

Caltrain says more than half of the death on its tracks in the last six years were suicides.

Investigators have not released the name or the age of the person who died Monday night.

Bay City News contributed to this report.

First Published: Oct 20, 2009 8:49 AM PDT

Find this article at:

<http://www.nbcbayarea.com/news/local-beat/Not-Again-Caltrain-Investigates-Suicide-in-Palo-Alto-64960317.html>

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Comment Letter I304 - Continued

San Mateo Union raises high-speed rail concerns - San Jose Mercury... http://www.mercurynews.com/breaking-news/ci_14714069?click_ch...

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San Mateo Union raises high-speed rail concerns

By Neil Gonzales
San Mateo County Times
Updated: 03/19/2010 09:35:08 PM PDT

The proposed high-speed rail project through the Peninsula could pose serious vibration, noise, safety and other concerns for Burlingame High School, local education leaders said.

"The way I see it is the rail corridor essentially goes through the front yard of Burlingame High School," Dave Pine, board president for the San Mateo Union High School District, said earlier this week. "If the high-speed rail project is above ground, it's have a significant impact."

The district plans to send a letter to the California High-Speed Rail Authority describing how fast-moving bullet trains on elevated structures along Caltrain tracks could disrupt Burlingame High and, to a lesser extent, San Mateo High.

Both schools are near the tracks, particularly Burlingame High.

With the front of Burlingame High about 400 feet away from the tracks, Pine said that "any kind of above-ground" structure would have a substantial impact on the campus "without adequate mitigation measures."

Noise from the high-speed trains, for example, could require "extra insulation" for the school, he said. Campus buildings may also need additional reinforcement for the trains' vibration.

San Mateo Union leaders also want to know how the project and its construction could displace the way students go to and from school, "especially those who walk and bike," district Superintendent Scott Lawrence said.

"We'll have to do a quick polling on how students get to school, identify who walks and bikes..." and figure out what would be the impacts to school routes," Lawrence said.

The possibility that the project could displace or restrict along the tracks is another major concern for the district, Pine said.

Burlingame High has already gone through an expensive effort to remove arsenic and other contaminants found on the property.

District leaders believe the arsenic could have come from weed killer sprayed along the tracks years ago, Pine said. "They are very wary that the construction of the high-speed rail could stir up that contaminant."

"Substantial precautions have to be taken so there's no hazard to our students," he said.

At San Mateo High, Pine said, it's more a question of how the construction phase could affect the traffic circulation in the area for years.

San Mateo Union's letter to the authority is expected to be ready in a few weeks, district leaders said. The letter will be modeled after the one that Palo Alto Unified sent to the authority a year ago and covered similar issues, particularly green Palo Alto High's close proximity to the tracks.

The authority is currently studying such matters and is willing to work with districts on their concerns, said Jeff Barker, the agency's deputy director.

"Until we complete the analysis, we don't know what the impacts are," Barker said. "Right now, we are trying to identify those impacts and ways to mitigate them."

The authority is expected early next month to release a report dubbed "the alternative analysis" that will detail consequences "for all the different alignment options," he said.

Many other schools up and down the Peninsula face similar issues that San Mateo Union and Palo Alto Unified are contending with and should start letting the authority know the high-speed line could create problems, said Sara Amstrong, co-founder of the Palo Alto-based Californians Advocating Responsible Rail Design.

About 35 public and private schools from San Bruno to Palo Alto are near the corridor, according to a preliminary list that Amstrong compiled.

"It is important for any district to look at schools that are adjacent to the corridor but also the routes students take to schools," she said. "They need to make sure to tell the authority what streets the students are using and how many are crossing the corridor to (ensure) they have a safe way to school."

Neil Gonzales covers education. Contact him at 650-345-4338.

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Another Teenage Suicide On Caltrain Tracks - KCBS

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Another Teenage Suicide on Caltrain Tracks

Posted: Sunday, 24 January 2010 12:17 PM

PALO ALTO, Calif. (KCBS) -- The details from Caltrain spokeswoman Christine Dunn seem all too familiar. She says a trespasser who was on the right of way of the Caltrain tracks was killed by a southbound train at 10:45 Friday night.

Dunn says the death occurred at the Caltrain crossing at East Meadow Dr., and the Santa Clara county coroner's office identifies the dead teenager as 19-year-old Brian Taylor, a 2008 graduate of Gunn High School, an Eagle Scout and a varsity wrestler.

KCBS' Betsy Gebhart reports

Taylor's mother believes her son committed suicide, and she says he was being treated for bipolar disorder.

Dunn says Taylor's death was the 5th fatality on the Caltrain tracks in Palo Alto area in the last year, and the third officially determined to be a suicide.

The Palo Alto Police Dept. did have a private security guard standing watch at the crossing at that hour, but according to Dunn, he was stationed 150 yards from the accident scene, too far away to see anything.

(ew)

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Response to Letter I304 (Frederick Galine, April 1, 2010)

I304-1

The safety considerations in system design are described in the Chapter 2 of the 2008 Final Program EIR. The HST system will be designed as a fully access controlled guideway with intrusion monitoring systems. In addition, the system will be fully grade separated.

I304-2

The Authority disagrees with the comment that an at-grade or aerial alignment between San Jose and San Francisco will result in more deaths due to street-level accidents, or that the HST system will encourage "death by HST." The HST project under consideration in this Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor. The Authority notes that high-speed train speeds along the Caltrain corridor would not exceed 125 mph.

I304-3

See Response to Comment 1304-2.

I304-4

See Response to Comment 1304-2.

I304-5

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as

requiring corrective work under CEQA. Hazardous materials and wastes was not one of those topics. Please see Chapter 3.11 of the May 2008 Final Program EIR. More detailed information and analysis on potential hazardous materials/waste impacts and mitigation measures including those related to arsenic and naturally occurring asbestos will be included in project-level environmental documents.

As part of the project-level environmental documents, a subsequent hazardous materials/waste analysis consisting of an environmental site assessment will be conducted to further analyze identified hazardous materials/waste sites and to further analyze and document the potential impacts related to the proposed project. This analysis will be prepared in conformance with the ASTM guidelines for preparing an environmental site assessment (E1527-05). Based on the information presented in the project-level environmental site assessment, a determination will be made regarding any sites that will need to have a Phase II environmental site assessment performed. This recommendation for a Phase II assessment, along with the implementation of any recommendations made in the document prepared in conjunction with the Phase II assessment, would be identified as a mitigation measure for addressing the potential contamination sites along the identified alignment that require further investigation regarding hazardous materials/waste. The assessment document would specify that the Phase II environmental assessment must be prepared in conformance with the ASTM Standards Related to the Phase II Environmental Site Assessment Process (E1903-01).

A mitigation strategy identified in the 2008 Final Program EIR was the preparation of a Site Management Program/ Contingency Plan prior to construction to address known and potential hazardous material issues, including: measures to address management of contaminated soil and groundwater; a site-specific Health and Safety Plan (HASP), including measures to protect construction workers and general public; and procedures to protect workers and the general

public in the event that unknown contamination or buried hazards are encountered.

I304-6

See Standard Response 7.

I304-7

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

I304-8

See Standard Response 3. More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs. This analysis will include impacts at sensitive receivers, such as residences, schools, and parks.

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the

project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website.

I304-9

The Program EIR developed minority and low-income population percentage thresholds to identify locations within the study area where there were higher than average concentrations of environmental justice communities as compared to the surrounding study area, city and/or county as a whole. In addition, the Program EIR evaluated size and type of right-of-way needed for the alignment alternatives and proximity to environmental justice populations. These factors provide a reasonable indication of where potential benefits or disproportionate impacts to minority and low-income populations would be most likely to occur. Because this is a program-level document, the analysis considered the potential for environmental justice impacts on a broad scale. Additional analysis and public outreach will take place during project-level investigations to identify minority and low-income individuals including any dispersed locations of these populations and to consider potential localized disproportionately high and adverse effects. See also Standard Responses 6 and 7.

I304-10

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Noise was not one of those topics. Please see Section 3.4 of the May 2008 Final Program EIR. The design of noise barriers appropriate for the proposed HST would depend on the location and height of noise-sensitive buildings, as well as the speeds of the trains. Noise barriers 8–10 ft tall could be installed where speeds are relatively low (i.e., wheel/rail noise dominates). Higher noise barriers of 12–16 ft might be used to reduce noise to taller buildings or where speeds are high in noise-sensitive areas. In many locations, noise barriers could be installed on one side of the track only because of the location and proximity of noise-sensitive areas. In no location are 40-foot tall soundwalls

proposed or feasible to construct. More detailed consideration of noise impacts and mitigation measures such as soundwalls or other noise reducing measures will be included in project-level environmental documents. See also Standard Response 5. The Program EIR developed minority and low-income population percentage thresholds to identify locations within the study area where there were higher than average concentrations of environmental justice communities as compared to the surrounding study area, city and/or county as a whole. In addition, the Program EIR evaluated size and type of right-of-way needed for the alignment alternatives and proximity to environmental justice populations. These factors provide a reasonable indication of where potential benefits or disproportionate impacts to minority and low-income populations would be most likely to occur. Because this is a program-level document, the analysis considered the potential for environmental justice impacts on a broad scale. Additional analysis and public outreach will take place during project-level investigations to identify minority and low-income individuals including any dispersed locations of these populations and to consider potential localized disproportionately high and adverse effects. See also Standard Response 3.

Comment Letter I305 (Bruce J. Eberly and Debra Gwin, April 25, 2010)

I305

Kris Livingston

From: debra GWIN [dgbe@sbcglobal.net]
Sent: Sunday, April 25, 2010 4:28 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment
Attachments: HSRA - EIR Comments.doc

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority

925 "L" Street, Suite 1425

Sacramento, CA95814

Email: comments@hsr.ca.gov

Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am concerned about noise and vibrations - With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems for our community. We already bear significant noise levels from traffic, general congestion and SFO at 1529 Carol Avenue in Burlingame. The HSR plan will exacerbate these environmental and life quality issues.

I305-1

Please analyze and describe how noise levels will increase at these addresses.

HSR will divide Burlingame & effect the character of our neighborhood - It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents,

I305-2

Comment Letter I305 - Continued

and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

I305-2
cont.

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm the character of our neighborhood and will dominate the landscape.

I305-3

Please explain how you concluded that the visual impact of HSR on our community will be "low."

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks.

I305-4

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I305-5

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I305-6

The HSR tracks will run close to two public high schools, Burlingame High and San Mateo High. **I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.**

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I305-7

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at 1529 Carol Avenue in Burlingame and the surrounding community.

I305-8

Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should consider one or more of the following options:

I305-9

- ☐ Put the high speed train in a tunnel.
- ☐ Put the high speed train in a covered trench.
- ☐ Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
- ☐ Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I305-9
cont.

Very truly yours,

Bruce J. Eberly & Debra Gwin

1529 Carol Avenue

Burlingame, CA 94010

Response to Letter I305 (Bruce J. Eberly and Debra Gwin, April 25, 2010)

I305-1

See Response to Comment I031-2 regarding noise and vibration.

I305-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I305-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I305-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as

requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I305-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I305-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I305-7

See Response to Comment I292-8.

I305-8

See Response to Comment I028-10.

I305-9

See Standard Response 10 regarding alternatives.

Comment Letter I306 (Andrea Gailunas and James Aggen, April 25, 2010)

Kris Livingston

From: Andrea Gailunas [andrea.gailunas@gmail.com]
Sent: Sunday, April 25, 2010 11:03 PM
To: HSR Comments
Cc: cbaylock@burlingame.org; akeighran@burlingame.org; mbrownrigg@burlingame.org; tnagel@burlingame.org; jdeal@burlingame.org; Marc.Hershman@asm.ca.gov; Lieberman@sen.ca.gov; Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
Subject: High Speed Rail Burlingame

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following addresses/location and for the following reasons:

- 1311 California Drive, Burlingame: I live DIRECTLY across the street from the proposed site. I have two young children. I can NOT even imagine living here with an elevated train track screaming and looking down on my home.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

- I live 4 blocks north of Broadway, west of the tracks on California Drive. I can not even fathom how disruptive this will be to my way of life.

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

- With elevated tracks, I worry about an increase in the HOMELESS population in Burlingame, and therefore also an increase in CRIME and THEFT and DRUGS.

I306

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape.

- I can't even imagine a train passing by my house every 5 minutes. As it is now, I need to pause my conversations, or pause my DVD or television program whenever the train goes by. But every 5 minutes? This would not be tolerable.

- Currently, although the train is directly across the street, there is tree coverage. So I don't actually see the train. I do not wish to look out my window onto a giant train looking down onto me, or have train passengers looking down on me. I do not wish to have to close my window and blinds at all times.

Please explain how you concluded that the visual impact of HSR on our community will be "low."

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division at the following address:

- 1311 California Drive, Burlingame

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks: specifically Burlingame High School, Burlingame Recreation Center, Washington Park, and many many friends houses!

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I have children who attend the following schools:

- Lincoln Elementary School
- Learning Links Preschool

90 kindergartners alone attend this school, which is in session from 8:30 a.m. - 3:00 p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at (address)

- 1311 California Drive, Burlingame

Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should:

- Put the high speed train in a tunnel

Comment Letter I306 - Continued

- Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
- Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I306-12
cont.

Very truly yours,

Andrea F. Gailunas and James B. Aggen
1311 CALIFORNIA DRIVE
Burlingame, California 94010

Response to Letter I306 (Andrea Gailunas and James Aggen, April 2, 2010)

I306-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I306-2

See Response to Comment I299-1.

I306-3

See Response to Comment I056-2.

I306-4

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

I306-5

See Standard Response 3.

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. This analysis will include cumulative impacts from existing and proposed noise sources.

I306-6

"The visual assessment in Chapter 3.9 of the 2008 Final Program EIR considered that the distance measured between the tree canopy lining the right-of-way in Burlingame would be between 75 and 85 feet. This distance was compared to the width of the Caltrain right-of-way south of SR 84, Woodside Road, in Redwood City, where there are already four tracks for Caltrain. The total width of the right-of-way in that section would be about 77 feet, as measured

from an aerial photo. This led to the determination that four tracks could be accommodated without removal of the existing trees.

The ability to add the two tracks to the existing Caltrain alignment and design a grade separation that would not visually dominate the existing Burlingame station led to the visual impact ranking in the 2008 Final Program EIR. From downtown, the station would remain the dominant feature at the foot of Burlingame Avenue. The eucalyptus would remain the dominant visual item along California Drive and Carolan Avenue.

I306-7

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the

project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I306-8

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I306-9

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I306-10

See Response to Comment I292-8.

I306-11

See Response to Comment I028-10.

I306-12

See Standard Response 10 regarding alternatives.

Comment Letter I307 (Jill Goldsmith, April 26, 2010)

1307

Kris Livingston

From: COUNCIL-Baylock, Cathy [cbaylock@burlingame.org]
Sent: Monday, April 26, 2010 8:46 AM
To: Jill Goldsmith, GRP-Council
Cc: PW/ENG-Murtuza, Syed
Subject: RE: Bay Area to Central Valley Revised Draft Program EIR Material Comment

Dear Jill,
 Thank you for your letter. I am copying our city council and Public Works Director to enter your comments into the official record.

Cathy Baylock
 Mayor

-----Original Message-----

From: Jill Goldsmith [mailto:jgoldsmith@sbcglohal.net]
 Sent: Mon 4/26/2010 12:16 AM
 To: Comments@hsr.ca.gov
 Cc: COUNCIL-Baylock, Cathy; marc.hershman@asm.ca.gov; lieberman@sen.ca.gov; senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; mark.pulido@sen.ca.gov

Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment

April 25, 2010

Dan Leavitt, California High Speed Rail Authority

925 "L" Street, Suite 1425

Sacramento, CA95814

Email: comments@hsr.ca.gov

Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR
 Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

1307-1

Here are my concerns:

1. I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following location and for the following reasons:

1307-1
cont.

Burlingame High School, which is across the street from the existing Caltrain tracks

Please analyze and describe how noise levels will increase at this address.

2. HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

1307-2

3. Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

4. Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape.

1307-3

Please explain how you concluded that the visual impact of HSR on our community will be "low."

5. HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

1307-4

6. I have 2 children who attend Lincoln Elementary School, which is in session from 8:30 a.m. - 3:00p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

--Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

1307-5

--Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

2

1

Comment Letter I307 - Continued

To avoid the problems indicated, you should:

Put the high speed train in a tunnel or

Stop the high speed train in San Jose and have people get onto
Caltrain bullet trains to reach San Francisco.

I307-6

Very truly yours,

Jill Goldsmith

1905 Ray Drive

Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame

State Assemblymember Jerry Hill

State Senator Leland Yee

State Senator Joe Simitian, 11th District, Member, Budget subcommittee
on Resources, Environmental Protection, Energy and Transportation,
Member, Committee on Transportation and Housing

Congresswoman Jackie Speie

Governor Arnold Schwarzenegger

Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160

U.S. Senator Barbara Boxer

U.S. Senator Diane Feinstein

State Senator Alan Lowenthal, 27th district, Member, Budget
subcommittee on Resources, Environmental Protection, Energy and
Transportation, Chair, Committee on Transportation and Housing

Response to Letter I307 (Jill Goldsmith, April 26, 2010)

I307-1

See Response to Comment I031-2 regarding noise and vibration.

I307-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I307-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I307-4

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I307-5

See Response to Comment I292-8.

I307-6

See Standard Response 10 regarding alternatives.

Comment Letter I308 (Brian S. Vina, April 25, 2010)

Kris Livingston

From: Brian Vina [bvina11@yahoo.com]
Sent: Sunday, April 25, 2010 9:24 PM
To: HSR Comments
Cc: bvina11@yahoo.com
Subject: Bay Area to Central Valley revised Draft Program EIR Material Comments

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at 1117 Grove Ave and for the following reasons:

My son suffers from asthma and I very concerned for his health because of the dust and pollution HSR will increase in my neighborhood.

Please analyze and describe how noise levels will increase at these addresses.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for 1117 Grove Avenue.

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape.

I308

Please explain how you concluded that the visual impact of HSR on our community will be "low."

I308-5
cont.

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks.

I308-6

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I308-7

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I308-8

I have children that will attend Burlingame High School. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I308-9

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

"Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people along California and Grove Avenues. Please describe the effects and how you will mitigate them.

I308-10

To avoid the problems indicated, you should:

Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems or stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I308-11

Very truly yours,

Brian S. Vina
 print name
 1117 Grove Ave
 Burlingame, California 94010

Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to: (415) 393-0710

I308-5

Response to Letter I308 (Brian S. Vina, April 25, 2010)

I308-1

See Response to Comment I031-2 regarding noise and vibration.

I308-2

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3 of the 2008 Final Program EIR. More detailed analysis of potential operational, maintenance, and temporary construction air quality impacts, including dust, will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement as well as construction. Mitigation strategies related to dust are discussed in Chapter 3.3.5 of the 2008 Final Program EIR and will be further refined at the project level.

I308-3

See Standard Response 3.

More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs.

I308-4

See Response to Comment I299-1.

I308-5

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I308-6

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I308-7

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I308-8

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I308-9

See Response to Comment I292-8.

I308-10

See Response to Comment I028-10.

I308-11

See Standard Response 10 regarding alternatives.

Comment Letter I309 (James Wunderlich, April 25, 2010)

Kris Livingston

I309

From: Jim Wunderlich [jim@t180.com]
Sent: Sunday, April 25, 2010 8:16 PM
To: HSR Comments
Cc: cbaylock@burlingame.org; senator.simitian@sen.ca.gov
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to the High Speed Rail Authority's (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Below are my concerns:

1. I am concerned about noise and vibrations from high speed rail. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase a lot and could cause problems at my residence at 617 Burlingame Avenue, cross street Bloomfield, in Burlingame, which is approximately three blocks from the Caltrain corridor. Please analyze and describe how noise levels will increase here.

I309-1

Caltrain recently limited their horns to 90dBA after changing equipment which caused negative outcomes to residents. Why would HSR be allowed to exceed this level with high speed rails?

I also live near SFO and I know they have strict limitations on noise at night. What plans does HSR to reduce noise between the hours of 10pm and 6am?

2. HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe 4 more tracks if passing sidings are needed. This is a significant change from the way it is now and would be like putting a freeway through the center of Burlingame. Further, it would divide the high school from the residents on the other side of the tracks and divide the east and west side residences. To prevent this, I want HSR either underground in a tunnel, in a cut and cover trench, or another alternative to an above-grade viaduct or berm.

I309-2

I also do not think adequate consideration has been given to running only two tracks and greatly reducing Caltrain activity so HSR can have exclusive access to the rails during busy times.

I309-3

3. Above-grade tracks will be like putting a freeway where there used to be just 2 train tracks. Please describe how you decided that there will be NO impact on community cohesion for those near the Caltrain corridor. I would like direct historical comparisons will divisive constructions like the Embarcadero Freeway in the 1960s that destroyed part of the San Francisco Bay front before the 1989 earthquake made possible the restoration of the area.

I309-4

Elevated platform construction is now frowned upon for freeways because of impacts on neighborhoods (please note for example the circuitous route the 880 replacement takes in Oakland). Please explain why elevated railways would have less impact than freeways.

I309-5

4. Although Caltrain already runs through our neighborhood, the proposed changes will be a huge change that will be harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will be harmful to how our neighborhood looks and will dominate the landscape.

I309-6

Business and residential property owners living along the expanded right of way will have less incentive to invest in the appearance and upkeep of these properties. This could cause a further decline in property values beyond those created by noise and visual impacts.

Please explain how you concluded that the visual impact of HSR on our community will be "low."

5. HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. We frequently walk from our Burlingame Avenue residence to downtown. An elevated HSR will seriously erode the character and the quality of life of the entire area that we and our neighbors so highly value.

I309-7

I309-8

6. I don't want trees cut down along the Caltrain right-of-way in Burlingame. The eucalyptus trees along the Caltrain corridor along California Avenue are a distinctive feature of our community and treasured by our residents. It would be a huge loss to the aesthetic character of Burlingame if these are cut down. This would just increase the visual impact HSR has on residents.

I309-9

7. To avoid the problems indicated above, you should undertake one of the following alternatives

- A. Put the high speed train in a tunnel, or
- B. Put the high speed train in a covered trench, or
- C. Route the high speed train next to highway 280 or 101, which would completely avoid the Caltrain corridor problems, or
- D. Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I309-10

Very truly yours,

James Wunderlich
 617 Burlingame Avenue
 Burlingame, California 94010

cc:
 Cathy Baylock, Mayor, City of Burlingame
 cbaylock@burlingame.org

Assemblyman Jerry Hill
 19th District, 1528 S. El Camino Real, Suite 302, San Mateo, CA 94402

Senator Leland Yee
 District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402

Senator Joe Simitian
 11th District, 160 Town & Country Village, Palo Alto, CA 94301
 senator.simitian@sen.ca.gov

Congresswoman Jackie Speier

2

1

Comment Letter I309 - Continued

12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402
Via website

Governor Arnold Schwarzenegger
State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160
Via website

U.S. Senator Barbara Boxer
Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111

U.S. Senator Diane Feinstein
Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA 94104

Response to Letter I309 (James Wunderlich, April 25, 2010)

I309-1

See Response to Comment I031-2 regarding noise and vibration. More detailed information and analysis of noise impacts (including nighttime levels) and mitigation will be included in project-level EIR/EISs. The HST system will need to be completely grade separated on the peninsula corridor, eliminating both the train horn noise and the bell noise from the grade-crossing protection devices.

I309-2

See Response to Comment I299-1.

I309-3

Caltrain's peak period and HST's peak period overlap. Restricting Caltrain's service to provide access for HST could severely hamper Caltrain's ability to provide service to its primary customers. If additional tracks were not added at points along the line, HST trains could get stuck running behind Caltrain stopping at stations along the line between San Jose and San Francisco, greatly increasing travel time for HST. See Standard Response 10.

I309-4

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existing would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program

decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

I309-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existing would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. See also Standard Response 6.

I309-6

See Response to Comment I299-2. See Standard Response 6.

I309-7

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as

a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I309-8

See Standard Response 6.

I309-9

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame will be undertaken as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

The program-level visual assessment in the 2008 Final Program EIR considered the visual impact in Burlingame and produced a photosimulation that was presented in Section 3.9 of the 2008 Final Program EIR. The simulation considered that the distance measured between the canopy of the trees lining the right-of-way in Burlingame is between 75 and 85 feet. This distance was compared to the width of the Caltrain right-of-way south of SR 84, Woodside Road, in Redwood City, where there are already four tracks for Caltrain. The total width of the right-of-way in that section is about 77 feet, as measured from an aerial photo. This led to the determination that four tracks could be accommodated without removal of the existing trees.

The ability to add the two tracks to the existing Caltrain alignment and design a grade separation that did not visually dominate the existing Burlingame station led to the visual impact ranking in the EIR. From downtown, the station will remain the dominant feature at the foot of Burlingame Avenue. The eucalyptus trees are anticipated to remain the dominant visual feature along California Drive and Carolan Avenue.

I309-10

See Standard Response 10 regarding alternatives.

Comment Letter I310 (Catherine Wright, April 25, 2010)

I310

Kris Livingston

From: Catherine Wright [ccwright61@gmail.com]
Sent: Sunday, April 25, 2010 9:24 PM
To: HSR Comments
Cc: cbaylock@burlingame.org; Marc.Hershman@asm.ca.gov; Lieberman@sen.ca.gov; Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
Subject: Comments: Bay Area to Central Valley Revised Draft Program EIR Material
Attachments: HSR-letter.doc; ATT00001.htm

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority

925 "L" Street, Suite 1425

Sacramento, CA95814

Email: comments@hsr.ca.gov

Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and home owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

1. I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems in the Burlingame Avenue neighborhood east

of the train station. We chose our home at 617 Burlingame Avenue fully aware of the noise from airplanes and the existing train, but these are nothing compared to the noise level that might be expected from HSR. Our home is old, and has only single paned windows. We cannot afford to replace them to minimize noise within the house.

Please analyze and describe how noise levels will increase inside as well as outside our home address (617 Burlingame Avenue), as well as at our neighborhood elementary school (Washington Elementary School), our local high school (Burlingame High School) which is right next to the current train tracks, and at Washington Park – a popular playground for small children and a popular venue for large family picnics, community events, and sporting events.

2. HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

3. Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for 617 Burlingame Avenue (our residence), Washington Elementary School, Burlingame High School, and the Burlingame Recreation Center. We moved to this neighborhood so we could easily walk or ride our bikes over the train tracks at Burlingame Avenue to shop, meet up with friends, get a coffee to take back to Washington Park to watch our kids play soccer, etc. HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

4. Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape.

Please explain how you concluded that the visual impact of HSR on our community will be "low."

I310-1
cont.

I310-2

I310-3

I310-4

I310-1

Comment Letter I310 - Continued

5. I have a child who attends McKinley Elementary School. Over 300 students attend this school, which is in session from 7 a.m. (for early band practice) to 3 p.m. Also, many of our neighborhood children attend Washington Elementary School, which is very close to the tracks. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

6. Please ensure that any noise impacts on each classroom in Washington Elementary School and Burlingame High School comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

7. Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

To avoid the problems indicated, you should stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco. If this option fails, you should build the high speed rail tracks in a covered trench.

Best Regards,

Catherine Wright

617 Burlingame Avenue

Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame

Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997

cbaylock@burlingame.org

State Assemblymember Jerry Hill,

Mail: 19th District, 1528 S. El Camino Real,

Suite 302, San Mateo, CA 94402

Fax: (650) 341-4676

Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee

Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402

Email to Dan Lieberman, District Representative for Millbrae and South, Dan. Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing

Mail: 160 Town & Country Village, Palo Alto, CA 94301

Fax: (650) 688-6370

Email: Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier

Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

E

Comment Letter I310 - Continued

mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger

Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160

U.S. Senator Barbara Boxer

Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111

FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein

Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing

Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

Response to Letter I310 (Catherine Wright, April 25, 2010)

I310-1

See Response to Comment I031-2 regarding noise and vibration.

I310-2

See Response to Comment I299-1.

I310-3

See Response to Comment I002-3.

I310-4

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I310-5

See Response to Comment I292-8.

I310-6

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

The commenter states that the HST should be put in a tunnel to avoid problems. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website.

See also Standard Response 3 regarding level of detail.

Comment Letter I311 (Carol and Tom Gillett, April 24, 2010)**Kris Livingston**

From: COUNCIL-Baylock, Cathy [cbaylock@burlingame.org]
Sent: Saturday, April 24, 2010 8:24 PM
To: GRP-Council
Cc: PW/ENG-Murtuza, Syed
Subject: FW: Comments for EIR on High Speed Train through the Peninsula

Cathy Baylock
Mayor

-----Original Message-----

From: cgillett [mailto:cgillett@sbcglobal.net]
Sent: Sat 4/24/2010 2:42 PM
To: COUNCIL-Baylock, Cathy; Marc.Hershman@asm.ca.gov; barbara Loveless; liberman@sen.ca.gov; Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov

Subject: FW: Comments for EIR on High Speed Train through the Peninsula

Hi Kay..What a wonderful job you have done pulling people together on this.
I'm copying you on my comments..

One particularly high concern is lawsuits on noise-related impact. Airlines
have paid and paid and paid for this issue, and it's an unbelievable cost.

Here's how I phrased it..If you are going to testify, this comment might
strengthen our concerns. Other comments highlighted below.

Do you have to go to Sacramento to comment further? If there are local
hearings, I would be happy to attend. Thanks. Carol

Carol Gillett
930 Vista Road
Hillsborough
650-343-7248

If HSR is above ground, noise mitigation lawsuits will follow, and we will
be forced to pay for soundproofing houses, schools, and businesses as
airlines have had to do.

I311

It is extremely costly, and never ending!

Rather than waste time and money on legal fees and fixes after the fact, we
should spend the money on underground construction initially.

Date: April 24, 2010

Dan Leavitt, California High Speed Rail Authority

925 "L" Street, Suite 1425

Sacramento, CA95814

Email: comments@hsr.ca.gov

Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material
Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High
Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR
(EIR). I am a Hillsborough resident who supports our local community
schools and businesses, and this proposed above ground track will be a MAJOR
environmental catastrophe if built above ground..

Here are my concerns:

X I am worried about noise and vibrations. With the proposed train
scheduled (200 trains a day), and the expected noise "decibel" levels for
steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will
increase significantly and cause problems for peninsula residents from San
Francisco to San Jose

Many residents residing close to the tracks are low income; the impact on
their quality of life will be egregious, and in many cases, they will not be
able to move to escape the impact.

Furthermore, there will be noise related lawsuits demanding restitution for
noise and vibrations. These are extremely costly,

requiring substantial monies for legal fees and remedies..we should spend
the money to build underground initially and avoid these catastrophic costs.

I311-3
cont.

I311-4

I311-5

I311-6

I311-7

I311-1

I311-2

I311-3

1

2

Comment Letter I311 - Continued

Please analyze and describe how noise levels will increase

I311-7
cont.

*HSR will divide Burlingame, San Mateo, Belmont and communities throughout the peninsula. It will add at least 2 tracks to the existing 2 tracks used by Caltrain, and possibly more for passing sidings. If tracks are elevated, this is a major change from the current ground level tracks and would be like putting an elevated freeway through the center of the Peninsula. Further it would divide Burlingame High School and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. It would also impact Palo Alto, Menlo and other schools in the Peninsula.

I311-8

We hear train noise in Hillsborough now, as the sound rolls up the hill. If trains are elevated, noise will be even louder, impacting quality of life and property values.

I311-10

To avoid this, I want HSR and Caltrain tracks underground.

I311-11

*Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

I311-12

X Although Caltrain already runs through our neighborhoods, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape.

I311-13

Other ways this will hurt my area's look and feel: Peninsula communities cherish our trees and smaller-town environments. An above ground train will be a blight on the area, creating a catastrophic metal and electric tangle; once constructed, it can never be remedied, and will forever denigrate the area.

This will also impact the tax base by reducing property values and forcing people in close-by neighborhoods to leave; there is very little affordable housing in the area, and relocation will likely drive them to other communities, reducing population and our tax base.

I311-14

Please explain how you concluded that the visual impact of HSR on our community will be "low."

I311-15

* My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these

I311-16

3

temporary tracks. Further, the extra areas required will cut trees and damage long-established plantings along sides of the current tracks. Once again, they can not be replaced, and the sterile areas would have a traumatic impact on visual and environmental quality of life.

I311-16
cont.

Current track

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. _

I311-17

There have been recent suicides and deaths on the current tracks, and HSR above ground will dramatically increase this risk. For safety, tracks need to be placed underground.

I311-18

Furthermore, tracks and trains can be more adequately secured from any terrorist threats by reducing above-ground access.

I311-19

* I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I311-20

X Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I311-21

If HSR is above ground, noise mitigation lawsuits will follow, and we will be forced to pay for soundproofing houses, schools, and businesses as airlines have had to do.

It is extremely costly, and never ending!

I311-22

Rather than waste time and money on legal fees and fixes after the fact, we should spend the money on underground construction initially.

* Powerful new electrical poles and wires will be needed, and will create an overhead blight as well as requiring tree destruction.

I311-23

Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should:

* Put the high speed train in a tunnel.

* Put the high speed train in a covered trench.

I311-24

* Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.

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Comment Letter I311 - Continued

* Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I311-24
cont.

Very truly yours,

Carol and Tom Gillett

930 VISTA ROAD

HILLSBOROUGH, CA 94010

CC:

cbaylock@burlingame.org

State Assemblymember Jerry Hill,

Mail: 19th District, 1528 S. El Camino Real,

Suite 302, San Mateo, CA94402

Fax: (650) 341-4676

Email Marc Hershmann, Field Representative in San Mateo,
Marc.Hershman@asm.ca.gov

State Senator Leland Yee

Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402

Email to Dan Lieberman, District Representative for Millbrae and South, Dan.
Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on
Resources, Environmental Protection, Energy and Transportation, Member,
Committee on Transportation and Housing

Mail: 160 Town & Country Village, Palo Alto, CA94301

Fax: (650) 688-6370

Email: Senator.simitian@sen.ca.gov (emails are sent to transportation
staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier

Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San
Mateo, CA 94402

E

5

mail: Margo Rosen, District Director for San Mateo office,
margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger

Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160

U.S. Senator Barbara Boxer

Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700
Montgomery Street, Ste 240, San Francisco, CA 94111

FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein

Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450,
San Francisco, CA94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on
Resources, Environmental Protection, Energy and Transportation, Chair,
Committee on Transportation and Housing

Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

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Response to Letter I311 (Carol and Tom Gillett, April 24, 2010)

I311-1

The Authority is aware that litigation on a wide variety of issues is a risk with any major infrastructure project such as the high-speed train.

I311-2

Comment acknowledged. The location and time of Board Meetings will be posted on the Authority web site.

I311-3

We acknowledge the comment advocating selection of a tunnel profile. Please see Standard Response 10 noting that below grade options will be investigated along the San Francisco to San Jose Corridor if that corridor is part of the selected network alternative. Also see Response to Comment I311-1.

I311-4

See Standard Response 10 regarding vertical profile alternatives.

I311-5

See Response to Comment I031-2 regarding noise and vibration.

I311-6

See Response to Comment I304-9.

I311-7

See Responses to Comments I311-1 and I311-3.

I311-8

The commenter states that the HST should be put in a tunnel to avoid dividing neighborhoods and causing impacts. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July

2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3.

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existing would improve circulation between neighborhood areas.

I311-9

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existing would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

I311-10

More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs. See also Standard Responses 3 and 6.

I311-11

The commenter states that the HST should be put in a tunnel to avoid problems. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3.

I311-12

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existing would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

I311-13

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level

engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

The program-level visual assessment in the 2008 Final Program EIR considered the visual impact in Burlingame and produced a photosimulation that was presented in Section 3.9 of the 2008 Final Program EIR. The simulation considered that the distance measured between the canopy of the trees lining the right-of-way in Burlingame is between 75 and 85 feet. This distance was compared to the width of the Caltrain right-of-way south of SR 84, Woodside Road, in Redwood City, where there are already four tracks for Caltrain. The total width of the right-of-way in that section is about 77 feet, as measured from an aerial photo. This led to the determination that four tracks could be accommodated without removal of the existing trees. With the trees anticipated to remain, they would remain the dominant visual feature, making the visual impact of replacing the existing at-grade railway with HST and Caltrain on a retained embankment a low visual impact.

I311-14

See Standard Response 6 regarding property values.

I311-15

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the

follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I311-16

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for

noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I311-17

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I311-18

Comment acknowledged. The safety considerations in system design are described in the Chapter 2 of the 2008 Final Program EIR. The HST system will be designed as a fully access controlled guideway with intrusion monitoring systems. In addition, the system will be fully grade separated. Profile variations will be considered as part of project-level environmental review.

I311-19

See Response to Comment I003-17.

I311-20

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction

impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I311-21

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. Site specific noise analysis, including a detailed evaluation of impacts to sensitive receptors such as schools, will be part of subsequent project-level EIR/EISs. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I311-22

See Responses to Comments I311-1 and I311-3.

I311-23

The infrastructure for overhead electrification would likely be visible, but its visibility would be low. Consider that San Francisco's Union Square is bounded on two sides by overhead wires to power the City's electric buses. These wires and their poles, over busy city streets, are not highly visible at all and do not comprise part of one's visual memory of Union Square. The overhead would also be screened by vegetation along the railway, existing and future, and adjacent development.

I311-24

See Standard Response 10 regarding alternatives.

Comment Letter I312 (Jeff Londer, April 26, 2010)

Kris Livingston

From: jwlonder@aol.com
Sent: Monday, April 26, 2010 4:23 PM
To: HSR Comments
Cc: richard.steffen@mail.house.gov; dontrailoadus@yahoo.com; assemblymember.hill@assembly.ca.gov; assemblymember.ruskin@assembly.ca.gov; senator.yee@sen.ca.gov; senator.loventhal@sen.ca.gov; senator.simitian@sen.ca.gov; cbaylock@burlingame.org; tnagel@burlingame.org; akeighran@burlingame.org; mbrownrigg@burlingame.org; jdeal@burlingame.org
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

216 Bancroft Road
 Burlingame, CA 94010-2822

April 26, 2010

Dan Leavitt [Sent by Email: comments@hsr.ca.gov]
 California High-Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area.

My wife and I live in Burlingame, at the following address: 216 Bancroft Road, Burlingame, CA 94010.

I am a 23-year resident living east of the right of way. I am Commissioner on the City of Burlingame Traffic, Safety & Parking Commission, a Lead Member of the Citizen's Environmental Council - Burlingame, a Block Captain in our Neighborhood Watch Program and a trained Community Emergency Response Team (CERT) responder.

I can assure you that I am a "neighborhood expert" with respect to the real impacts of the project you propose, which impacts have not been properly investigated and mitigated as the law requires. Daily, my wife crosses the tracks to reach the Caltrain for her commute to San Jose. Our dependence on Caltrain means that we have only one car. I also walk every day into downtown Burlingame and again I cross the tracks.

The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause major and extremely significant impacts to me, my family, my neighborhood, and to the natural environment. Here, specifically, are the impacts that I personally know will occur unless the project is modified in significant ways:

Noise and vibration impacts - I am worried about noise and vibrations. With the proposed trains scheduled (200 trains a day) and the expected noise, "decibel" levels for steel on steel wheels at 125 mph

I312

(93 dBA), the noise and vibrations will increase significantly. Please analyze and describe how noise levels will increase and cause problems along the corridor, especially for those closest to the tracks.

I312-2
cont.

View impacts - Please explain how you concluded that the visual impact of HSR on our community will be "low." Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 2 to 3 minutes, plus adding high electrical poles and wires, will cause irreversible harm and damage to our neighborhood looks and will dominate the landscape. I am specifically worried about this division, especially closest to the tracks.

I312-3

Community division impacts - HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further, it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. To avoid this, I want HSR and Caltrain tracks underground in a deep tunnel. Please describe how you decided that there will be NO impact on community cohesion.

I312-4

Tree impacts - Even a covered trench, the best possible outcome given that a deep tunnel seems to be off the table, will take numerous trees in our community. A covered trench will destroy heritage trees which line the area near the tracks. I don't want tree, especially our historic Eucalyptus grove cut down along the Caltrain right-of-way in Burlingame. Further, additional right of way will be needed to build the temporary shoofly tracks so that Caltrain can continuously operate during construction. This will add further harm to our community for years.

I312-5

Public safety and health impacts - Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people, especially those living, working, shopping, learning or recreating near the tracks. **I am also concerned about the viability of Caltrain which appears to be in dire need of HSR to remain afloat.** As mentioned, we rely on Caltrain on a daily basis. Without Caltrain we would need to buy an additional vehicle for a 60-mile round trip commute to San Jose. That would mean more pollution, more freeway congestion, more accidents and a more stressful life.

I312-6

I312-7

School impacts - My children attended Washington Elementary (one block east of the tracks), Burlingame Intermediate School (west of the tracks), San Mateo High (east of the tracks) and Burlingame High (adjacent & east of the tracks). At each school students come from both sides of the tracks.

I request a specific analysis of how noise, vibrations, construction and train operations will affect these schools, their students and learning environment. Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I312-8

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Property value impacts - My family and those of us on the Peninsula value our quality of life. Our neighborhoods are not divided by aerial structures with trains traveling in excess of 100 mph. Our neighborhoods, schools, businesses, recreation facilities and parks are not subject to the environmental concerns that high speed rail pose. And, our property values have not been compromised further by the high speed rail bisecting our community. Even a covered trench, the best possible outcome given that a deep tunnel seems to be off the table, will take numerous homes and businesses in our community.

I312-9

Aside from the property that is taken under Eminent Domain Laws, the next house to those taken will receive no compensation for their loss of value. And the home located two houses from the tracks will also receive no compensation and so on and so on and so on for quite a distance. How has this loss of property values been accounted for in your analysis?

I312-2

Comment Letter I312 - Continued

A deep tunnel is the only real answer. Sure, it costs more to build a tunnel than other alternatives but construction costs are only a small part of the total cost of a project of this magnitude. The countless costs to the communities, the environment, safety, etc. make elevated tracks or even a covered trench a far more expensive proposition in the long run. In fact, these additional costs are more than just one time construction costs. They are costs that will be felt over the entire lifetime of HSR, perhaps 100 years or more. High Speed Rail is a long term solution in transportation for California and the project must NOT be built using a short run cost analysis.

I312-10

In my mind doing it right would mean that all tracks must be under ground in a deep tunnel. Apparently, a four-track tunnel program cannot be funded due to a lack of commitment by the state and federal government and private investors. Therefore, I think that only two options remain. Sadly, the no build option is an option but then what happens to Caltrain? Without Caltrain, our already clogged highways and communities would be impacted beyond measure. We need Caltrain!

I312-11

The second option would be to upgrade Caltrain. Caltrain has stated that for around \$1.2 billion, the commuter rail system could be electrified, safely upgraded and modernized to 21st century standards. This would save HSR billions and therefore increase its chance of success. Once done, both High Speed Rail and Caltrain could use the same tracks at speeds of up to 100 mph, only slightly slower than the originally stated speed of HSR. Maintaining the segment from San Jose to San Francisco as an electrified Caltrain at grade PROTECTS the bedroom communities AND saves HSR billions of dollars for elsewhere AND creates a fast and comfortable ride between the two cities. There would be no need to change trains in San Jose and no need for a huge capital commitment along the Peninsula. This is the only way out of the box -- but it requires you to stop investing in elevated or trenched HSR on the Peninsula.

I312-12

Caltrain stations could remain "as is" without having to put them underground all along the line and the long-term project costs minimized. Then, some day down the line, if HSR is successful and additional capacity is needed beyond a two-track system, a two-track tunnel could then be built to handle HSR. At that point, HSR will have a proven track record as a successful and profitable project. Then, HSR would have a much easier time obtaining capital commitments for a deep two-track HSR tunnel.

Burlingame Council Member Michael Brownrigg has been said that "you are the fiduciary". I believe that Mr. Brownrigg is right when calling for new forecasts; "the only good forecast will come from a dispassionate third party expert". It is your fiduciary responsibility to see that this is done right. I think, as does Council Member Brownrigg and many others, we all suspect HSR will become MUCH more expensive and generate much less revenue than forecast. As a fiduciary you must make one of the hardest decisions and that is to STOP investing in a bad idea. It is so tempting to believe things will turn around. That is the hardest moment, but that is when to remember the word, "fiduciary."

I312-13

Finally, you can save HSR billions and therefore increase its chance of success: as we look at the Peninsula, we see the bedroom communities like ours believing that an elevated bed would devastate us, and therefore we are all insisting on a deep tunnel. Since it is not practical today from a financial point of view, I propose an upgrade to Caltrain, maintaining the segment from San Jose to San Francisco as an electrified commuter rail at grade. HSR could then share the tracks with Caltrain and the deep tunnel would be left open as an option should demand and finances warrant. This PROTECTS the bedroom communities AND saves HSR billions of dollars for elsewhere AND creates a fast and comfortable ride from San Jose to San Francisco. This is the only way out of the box -- but it requires you to stop investing in elevated and trenched HSR on the Peninsula.

I312-14

I believe the law requires the Authority to do a much better investigation and documentation of the impacts I have described above -- and not only in my neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

I312-15

I request you to revise the Draft EIR you have prepared, to address my concerns, and that you then recirculate such a Revised Draft EIR for further review and comment by the public. Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Yours truly,
Jeff Londer

Response to Letter I312 (Jeff Londer, April 26, 2010)

I312-1

Comment about being a neighborhood or local expert is acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR Material discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision.

I312-2

See Response to Comment I031-2 regarding noise and vibration.

I312-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort,

design variations may be applied to reduce some of the impacts to properties and visual impacts.

I312-4

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I312-5

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I312-6

See Response to Comment I028-10.

I312-7

See Standard Response 10.

I312-8

See Response to Comment I292-8.

I312-9

See Standard Response 6 regarding property values.

I312-10

See Standard Response 10 regarding vertical profile alternatives.

I312-11

A no-build option would assume Caltrain projects, with funding identified, would be implemented.

I312-12

See Response to Comment L020-14.

I312-13

Comment acknowledged. We note that the ridership forecasts were developed by a highly reputable outside firm under contract to the Metropolitan Transportation Commission, which led the effort to develop a new statewide model to forecast ridership and revenue for high-speed rail. See also Standard Response 4.

I312-14

Comment acknowledged. See Standard Response 10 regarding vertical profile alternatives.

I312-15

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

Comment Letter I313 (Mary and Richard Griffin, April 24, 2010)

Kris Livingston

I313

From: Mary [ragmdg@comcast.net]
Sent: Saturday, April 24, 2010 2:08 PM
To: HSR Comments
Cc: cbaylock@burlingame.org; Marc.Hershman@asm.ca.gov; Lieberman@sen.ca.gov;
 Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
Subject: High Speed Rail Comments
Attachments: HSR.comments.Griffith.doc

Please find attached my family's comments on the proposed high speed rail project. Thank you

Mary & Richard Griffith
 232 Clarendon Road
 Burlingame, CA 94010
 650-348-6340

April 24, 2010

Dan Leavitt, California High Speed Rail Authority

925 "L" Street, Suite 1425

Sacramento, CA 95814

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). My family and I reside on the Peninsula between San Francisco to San Jose, in Burlingame. I have very grave concerns about the proposed High Speed Rail for the peninsula.

1. I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at my residence, the Burlingame High School on Carolan Ave; Burlingame's historical buildings; train station, the Candy Store; corner of Burlingame Ave and Carolan. In Burlingame we also have a park and recreational area also located across the street from the train station on Burlingame Ave. right near the proposed right of way. Please analyze and describe how noise levels will increase at these locations.

I313-1

2. HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

I313-2

3. Elevated tracks with associated vias will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be **NO** impact on community cohesion for this addresses and locations listed above.

4. Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and vias, will harm how our neighborhood looks and will dominate the landscape. It will be a public eye sore. I believe it will cause a general blighting of the area. This will cause property values to drop and the lovely little town that we live in will be lost. Please explain how you concluded that the visual impact of HSR on our community will be "low."

I313-3

5. My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division at the following locations in Burlingame, CA

I313-4

a. Burlingame Train Station

Comment Letter I313 - Continued

b. Broadway Train Station
c. Candy Store: 1021 Burlingame Ave.

6. HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

7. I do not want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

8. Although I do not have children who attend Burlingame High School on Carolan Avenue and Washington Elementary School on Howard Avenues many of my neighbors do, and, which is in session from 8:30. to 4:00 p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

9. Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people living on Myrtle Road, Anita Road and Arundel Road. Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should do one of the following:

1.1 Put the high speed train in a tunnel.

1.2 Put the high speed train in a covered trench.

1.3 Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.

1.4 Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I313-4
cont.

I313-5

I313-6

I313-7

I313-8

I313-9

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing

Congresswoman Jackie Speier

Governor Arnold Schwarzenegger

U.S. Senator Barbara Boxer

U.S. Senator Diane Feinstein

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing

Very truly yours,

Mary and Richard Griffith

232 Clarendon Road

Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame

State Assemblymember Jerry

State Senator Leland Yee

Response to Letter I313 (Mary and Richard Griffin, April 24, 2010)

I313-1

See Response to Comment I031-2 regarding noise and vibration.

I313-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I313-3

See Response to Comment I299-2. See Standard Response 6.

I313-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the

same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I313-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I313-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees

along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I313-7

See Response to Comment I292-8.

I313-8

See Response to Comment I028-10.

I313-9

See Standard Response 10 regarding alternatives.

Comment Letter I314 (Pam Lampkin, April 26, 2010)**Kris Livingston****I314**

From: pkinx2 [pkinx2@aol.com]
Sent: Monday, April 26, 2010 5:00 PM
To: HSR Comments
Subject: HSR comments for Burlingame, CA
Attachments: comments@hsr.ca.gov.docx

Date: April 26, 2010

Dan Leavitt, California High Speed Rail Authority
925 "L" Street, Suite 1425
Sacramento, CA 95814
Email: comments@hsr.ca.gov
Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before 5PM, today, April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train schedule (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems from the flat area which the train will run through all the way to the top of the Burlingame hills at highway 280. We know a lot about how noise travels in this town living so close to Caltrain and the San Francisco International Airport.

Two pressing concerns for my immediate family are the noise and vibration impacts on Burlingame High School (BHS) that faces the train track and the new world class, state of the art, Mills-Peninsula Hospital scheduled to open November 2010.

My children attend BHS and currently are vaguely aware of the disturbances of the commuter trains that run intermittently during the day. The noise created by the current train system is significantly less than what is proposed by the High Speed Rail Authority.

My husband is an attending physician at Mills-Peninsula and will enjoy the benefits of the new hospital. However, as this building was not designed with any knowledge of the vibrations and sound impact of HSR, who knows what equipment, machinery and treatment protocols will be affected. It will be a financial and community disaster if it is discovered after the fact, that HSR has negative effects on the hospital services. There is no turning back the clock to rebuild this hospital.

I continue to realize that many, many friends of mine who live or work along the California Avenue/ San Mateo Drive corridor have no idea that that they will be faced with noise and vibrations at the level cited.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by

I314-1

I314-2

Comment Letter I314 - Continued

Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground or diverted to a different location.

I314-2
cont.

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. How can you possibly think that there will be NO impact on community cohesion?

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. The historical stands of trees will be ripped out, a town that has a low skyline will be dominated and our park and recreation section adjacent to the high school will now be a noisy and undesirable place to go for rest and relaxation.

I314-3

Please explain how you concluded that the visual impact of HSR on our community will be "low."

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during the construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division along Carolyn and California where there are many single family residences that will be taken by eminent domain, leaving my friends homeless in an upscale market that they won't be able to afford given the lower than market value they will most likely be paid for the land grab. And that doesn't begin to address the sense of loss they and their neighbors will feel when they can't "go home."

I314-4

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. We are community dependent on cars. Families drive to work, to school, to the freeway and our shopping areas. We face a traffic nightmare during the building phase, as our ability to cross from the west side to the east side will be constantly delayed. We also face a lot of re-rerouting if the Cal train tracks are re-laid on Carolan. Where will students now enter the school? Where will they park? This is a community of 1,300 students that need to be in class on time. I have two children who attend Burlingame High School between 7am and 3:12 pm. They often stay for sports practice until 5:50 or 6:00pm.

I314-5

I think we need a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

I314-6

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an

acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I314-6
cont.

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high-speed trains. I am worried about the health effects of electromagnetic fields on people at Burlingame High School and Mills Peninsula Hospital and who live in the Carolan and California neighborhoods. Please provide a report on this potential hazard.

I314-7

To avoid the problems indicated the high-speed train should run below grade either in a tunnel or in a covered trench.

I314-8

An even better idea would be to run the high -speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.

I314-9

Regards,

Pam Lampkin
1435 Columbus Ave.,
Burlingame, CA 94010

cc:

Cathy Baylock, Mayor, City of Burlingame

Mail: City Hall, 501 Primrose Road,
Burlingame, California 94010-3997
cbaylock@burlingame.org

State Assemblymember Jerry Hill,

Mail: 19th District, 1528 S. El Camino Real,
Suite 302, San Mateo, CA94402
Fax: (650) 341-4676

Email Marc Hershmann, Field Representative in San Mateo,
Marc.Hershman@asm.ca.gov

State Senator Leland Yee

Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402
Email to Dan Lieberman, District Representative for Millbrae and South, Dan.
Lieberman@sen.ca.gov

Comment Letter I314 - Continued

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing
 Mail: 160 Town & Country Village, Palo Alto, CA 94301
 Fax: (650) 688-6370
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Congresswoman Jackie Speier
 Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402
 Email: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger
 Mail: State Capitol Building, Sacramento, CA95814,
 Fax: 916-558-3160

U.S. Senator Barbara Boxer
 Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111
 FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein
 Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing
 Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

Response to Letter I314 (Pam Lampkin, April 26, 2010)

I314-1

See Response to Comment I031-2 regarding noise and vibration. More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs. This analysis will include impacts to sensitive receivers, including residences, schools, and hospitals.

I314-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I314-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I314-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The

Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I314-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I314-6

The Authority appreciates the comment. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. Site specific noise analysis, including a detailed evaluation of impacts to sensitive receptors such as schools, will be part of subsequent project-level EIR/EISs. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I314-7

See Response to Comment I028-10.

I314-8

See Standard Response 10 regarding alternatives.

I314-9

See Standard Response 10 regarding alternatives.

Comment Letter I315 (Amanda Larkin, April 26, 2010)

Kris Livingston

From: Amanda Larkin [amanda_douglas@sbcglobal.net]
Sent: Tuesday, April 27, 2010 2:01 PM
To: HSR Comments
Cc: cbaylock@burlingame.org; Amanda Larkin
Subject: High Speed Railway on Peninsula

I315

April 26, 2010

Dan Leavitt, California High Speed Rail Authority

925 "L" Street, Suite 1425

Sacramento, CA95814

Email: comments@hsr.ca.gov

Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing today to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Below are my concerns:

- I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems, my children currently complain about the noise of the Caltrain, not to mention the burden of airport noise that is already upon us.

Please analyze and describe how noise levels will increase at my address... 1461 Balboa Avenue, Burlingame.

- HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

I315-2

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion.

- Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape.

I315-3

Please explain how you concluded that the visual impact of HSR on our community will be "low."

- HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I315-4

- I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I315-5

- My children will attend Burlingame High School. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

I315-6

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

To avoid the problems indicated, you should either:

- Put the high speed train in a tunnel, or
- Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.**

I315-7

Very truly yours,

Amanda Larkin

Comment Letter I315 - Continued

1461 Balboa Avenue
Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame

Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997

cbaylock@burlingame.org

Response to Letter I315 (Amanda Larkin, April 26, 2010)

I315-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I315-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I315-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I315-4

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I315-5

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I315-6

Site specific noise analysis, including a detailed evaluation of impacts to sensitive receptors such as schools, will be part of subsequent project-level EIR/EISs. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I315-7

See Standard Response 10 regarding alternatives.

Comment Letter I316 (Amy Lennane, April 26, 2010)

Kris Livingston I316

From: Amy Lennane [ajlennane@yahoo.com]
Sent: Tuesday, April 27, 2010 9:19 AM
To: HSR Comments
Cc: cbaylock@burlingame.org; Marc.Hershman@asm.ca.gov; Lieberman@sen.ca.gov; Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
Subject: Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Date: April 26, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following addresses/location and for the following reasons:

Cambridge Road in Burlingame is a lovely neighborhood that intersects with California Drive, which is adjacent to the current Caltrain tracks and proposed HSR. There have already been complaints/issues regarding the existing noises from freight trains at night. The real estate in the area surrounding the tracks would plummet and families would lose much of their biggest investment as they would be forced to relocate, likely out of state.

Please analyze and describe how noise levels will increase at these addresses: Broadway to Trousdale, specifically Cambridge Road, Oxford Road, Village Park.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks UNDERGROUND. This highly desirable, family-oriented suburban community would transform into a dark urban shadow of former glory. Look at the improvement that happened to Boston during the Big Dig when they tore down the Central Artery which divided the downtown from the waterfront--the city is so much more inviting and united. An elevated rail will physically DIVIDE our town, and make for the BIGGEST EYESORER on the Peninsula, if not all of California!!! At what benefit??? And to whom????

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address: Cambridge Road

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt my area's look and feel:

How will HSR effect vehicle traffic at intersections such as Broadway, Burlingame?
 How will sidewalks, bikepaths and pedestrian traffic be routed? I316-4

Please explain how you concluded that the visual impact of HSR on our community will be "low." I316-5

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division at the following address: I316-6

California Drive, between Broadway and Trousdale, specifically Cambridge Road.

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. EVERYDAY I travel across the tracks, either by car, or bike, to patronize businesses on Rollins Road and area, and to access the freeway. How will the commute be affected? I316-7

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame. It is crucial to maintain the trees and shrubs along the tracks to help lower the noise level from the trains, as well as screen the unsightly tracks from our neighborhood. Many years ago, the Neighborhood Association worked with Caltrain to plant the existing trees along the tracks on California Drive expressly for this purpose. I316-8

I have children who attend the Lincoln School. Over 400 students attend this school, which is in session from 8:30 a.m. - 3:00 p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

--Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom. I316-9

--Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

~ Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at Cambridge Road, and neighborhoods between Broadway and Trousdale. Please describe the effects and how you will mitigate them. I316-10

To avoid the problems indicated, you should:

~ Put the high speed train in a TUNNEL.

~ Put the high speed train in a covered trench.

~ Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems. I316-11

Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

These alternative MUST be included in the overall budget of the HSR, otherwise we should not be considering implementing the HSR at all.

Very truly yours,

Amy Lennane
 1133 Cambridge Road
 Burlingame, California
 94010

cc:

Cathy Baylock, Mayor, City of Burlingame
 Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997
cbaylock@burlingame.org

State Assemblymember Jerry Hill,
 Mail: 19th District, 1628 S. El Camino Real,
 Suite 302, San Mateo, CA94402

Comment Letter I316 - Continued

Fax: (650) 341-4676

Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee

Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402

Email to Dan Lieberman, District Representative for Millbrae and South, Dan. Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing

Mail: 160 Town & Country Village, Palo Alto, CA94301

Fax: (650) 688-6370

Email: Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier

Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

E

mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger

Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160

U.S. Senator Barbara Boxer Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111 FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein

Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing

Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

To avoid the problems indicated, you should:

- Put the high speed train in a tunnel.
- Put the high speed train in a covered trench.
 - Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
 - Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

PRINT NAME

PRINT STREET ADDRESS

Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame

Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997

cbaylock@burlingame.org

State Assemblymember Jerry Hill,

Mail: 19th District, 1528 S. El Camino Real,

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Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee

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Email to Dan Lieberman, District Representative for Millbrae and South, Dan. Lieberman@sen.ca.gov

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Congresswoman Jackie Speier

Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

E

mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger

Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160

U.S. Senator Barbara Boxer Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111 FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein

Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing

Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov



Response to Letter I316 (Amy Lennane, April 26, 2010)

I316-1

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Noise was not one of those topics. Please see Section 3.4 of the May 2008 Final Program EIR. More detailed consideration of noise impacts and mitigation measures such as soundwalls or other noise reducing measures will be included in project-level environmental documents. See also Standard Responses 5 and 6.

I316-2

See Response to Comment I299-1.

I316-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

I316-4

Detailed circulation, parking, pedestrian, bicycle, transit, construction and cumulative transportation impacts of the HST Project will be fully analyzed in the project-level EIR/EIS. This information will be documented in a Traffic, Transit, Circulation and Parking Report including (1) Changes in traffic volumes on local streets that result from project and from project construction and the effect of these changed volumes on roadway operations and critical intersections. (2) The analysis of number of parking spaces required and the placement of the parking facilities will be evaluated. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access

forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods. (3) Potential impacts to transit including potential for inadequate capacity of feeder bus service, potential for traffic congestion from project to disrupt or delay bus service that serve or run near stations or other transit operations. Potential impacts of project construction on transit service will also be evaluated in detail. (4) The project-level traffic impact analysis study will also evaluate the effect of the project and project construction on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Detailed information and analysis of potential traffic impacts including impacts to pedestrian and bike facilities and feasible mitigation measures will be included in project-level EIR/EISs and documented in a Traffic, Transit, Circulation and Parking Report. (5) Cumulative potential traffic impacts due to the proposed project.

I316-5

The project-level traffic impact analysis study will evaluate the effect of the project on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Detailed information and analysis of potential traffic impacts including impacts to pedestrian and bike facilities and feasible mitigation measures will be included in project-level EIR/EISs and documented in a Traffic, Transit, Circulation and Parking Report.

I316-6

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I316-7

See Response to Comment I306-8.

I316-8

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I316-9

See Response to Comment I292-8.

I316-10

See Response to Comment I028-10.

I316-11

See Standard Response 10 regarding alternatives.

Comment Letter I317 (Joshua Galanter M.D. and Alexandra Galanter, April 27, 2010)

Kris Livingston

From: Alex Galanter [alexgalanter@gmail.com]
Sent: Tuesday, April 27, 2010 9:51 AM
To: HSR Comments
Cc: cbaylock@burlingame.org; Marc.Hershman@asm.ca.gov; Lieberman@sen.ca.gov; Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident of Burlingame with two young children and we live two blocks from the current Caltrain tracks. This is a community of families. There are lots of children in Burlingame and I have some strong concerns about the high speed rail. In fact, I voted against it because I feared the scenario now faced by Burlingame.

Aside from the unattractive aesthetic of the rail, particularly the proposed elevated tracks, which I am sure will lower my property values significantly, **here are my other concerns:**

" I am worried about **noise and vibrations**. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems for my address , four local parks/recreational areas we frequent (Washington, Alpine, Laguna and Village Parks) as well as Burlingame High School.

"HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground or please consider putting the HSR alongside 101 or 280 but not Caltrain.

"Elevated tracks with associated wires will be like putting a freeway where there used to be just two ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address. Again, **I think elevated tracks will turn the narrow parts of the mid-peninsula into a concrete jungle of transit and we will look like Los Angeles.**

" Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, **will harm how our**

neighborhood looks and will dominate the landscape. Please explain how you concluded that the visual impact of HSR on our community will be "low."

" My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will **cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks.** I have friends, hard-working, tax-paying citizens, living and working in these businesses!

" HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. This is a community of people who love to walk, ride bikes and push strollers.

" I don't want trees, especially our historic Cucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame. **These trees are a huge part of Burlingame's history and a draw for visitors, prospective new business owners and home buyers.**

" I have children who attend/will attend in the near future the following schools:

Village Park Preschool (across the street from current Caltrain tracks)

Lincoln Elementary School

Burlingame High School (across the street from current Caltrain tracks)

The disruptions and noise caused by the construction and the tracks will adversely affect our commute to and from school as well as the children's classroom and playground experience. Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

" Powerful new electrical poles and wires will be needed to run the high speed trains. **I am worried about the health effects of electromagnetic fields** on people living and working near the tracks we and our neighbors do on Laguna Avenue. How will you mitigate them?

To avoid the problems indicated, you should:

" Put the high speed train in a tunnel.

" Put the high speed train in a covered trench.

" Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.

" Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

Joshua Galanter, M.D. and Alexandra Galanter (and family)

1249 Laguna Avenue

Burlingame, California 94010

I317-4
cont.

I317-5

I317-6

I317-7

I317-8

I317-9

I317-10

I317-1

I317-2

I317-3

I317-4

Comment Letter I317 - Continued

cc:

Cathy Baylock, Mayor, City of Burlingame
Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997
cbaylock@burlingame.org

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Mail: 19th District, 1528 S. El Camino Real,
Suite 302, San Mateo, CA94402
Fax: (650) 341-4676
Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee
Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402
Email to Dan Lieberman, District Representative for Millbrae and South, Dan. Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing
Mail: 160 Town & Country Village, Palo Alto, CA94301
Fax: (650) 688-6370
Email:Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier
Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402
Email: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger
Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160
U.S. Senator Barbara Boxer
Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111 /FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein
Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104
Fax to: (415) 393-0710

Response to Letter I317 (Joshua Galanter M.D. and Alexandra Galanter, April 27, 2010)

I317-1

The visual assessment in Chapter 3.9 of the 2008 Final Program EIR considered that the distance measured between the tree canopy lining the right-of-way in Burlingame would be between 75 and 85 feet. This distance was compared to the width of the Caltrain right-of-way south of SR 84, Woodside Road, in Redwood City, where there are already four tracks for Caltrain. The total width of the right-of-way in that section would be about 77 feet, as measured from an aerial photo. This led to the determination that four tracks could be accommodated without removal of the existing trees. With the trees remaining to obscure the view of the HST, the visual impact was assessed to be low. See Standard Response 6.

I317-2

See Response to Comment I031-2 regarding noise and vibration.

I317-3

The commenter states that the HST should be put in a tunnel to avoid dividing neighborhoods and causing impacts. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3.

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition,

construction of grade separations where none previously existing would improve circulation between neighborhood areas.

See also Standard Response 10 regarding alternatives.

I317-4

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I317-5

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation

strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I317-6

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the

potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I317-7

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I317-8

Site specific noise analysis, including a detailed evaluation of impacts to sensitive receptors such as schools, will be part of subsequent project-level EIR/EISs. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I317-9

See Response to Comment I028-10.

I317-10

See Standard Response 10 regarding alternatives.

Comment Letter I318 (Elisa Odabashian, April 26, 2010)

Kris Livingston

I318

From: Odabashian, Elisa [odabel@consumer.org]
Sent: Monday, April 26, 2010 11:02 AM
To: ash mcneely; HSR Comments
Cc: cbaylock@burlingame.org; Marc.Hershman@asm.ca.gov; Lieberman@sen.ca.gov; Senator.similtian@sen.ca.gov; go.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
Subject: RE: Bay Area to Central Valley Revised Draft Program EIR Material Comment

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I moved to our home in Burlingame 29 years ago and have enjoyed the pastoral, tree-friendly, family-friendly community we have here. My children attended the Burlingame public schools and regularly walked home from school. The high speed rail will turn the neighborhoods like mine that are near the tracks into noisier, dustier, more vibrating corridors, pushing home values down and frankly making families like mine move away -- families that have been strong community residents.

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the intersection of California and Broadway and all the way along California Avenue in Burlingame which is my neighborhood.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for my address: 1236 Paloma Avenue, Burlingame, CA 94010

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. Guests in the airport hotels will no longer feel that they

can easily access the shops and restaurants on Broadway in Burlingame (right near my house) if there is a monolithic structure between them and these already struggling businesses. Please explain how you concluded that the visual impact of HSR on our community will be "low."

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks.

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at 1236 Paloma Avenue, Burlingame, CA 94010. Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should:

- Put the high speed train in a tunnel.
- Put the high speed train in a covered trench.
- Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
- Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

Elisa Odabashian
 1236 Paloma Avenue
 Burlingame, CA 94010

cc:

Cathy Baylock, Mayor, City of Burlingame
 Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997
cbaylock@burlingame.org

State Assemblymember Jerry Hill,
 Mail: 19th District, 1528 S. El Camino Real,
 Suite 302, San Mateo, CA 94402
 Fax: (650) 341-4676
 Email Marc Hershman, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee
 Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402
 Email to Dan Lieberman, District Representative for Millbrae and South, Dan. Lieberman@sen.ca.gov

Comment Letter I318 – Continued

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing
 Mail: 160 Town & Country Village, Palo Alto, CA94301
 Fax: (650) 688-6370
Email: Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier
 Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402
 E
 mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger
 Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160
 U.S. Senator Barbara Boxer
 Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111
 FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein
 Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing
 Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

**

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Response to Letter I318 (Elisa Odabashian, April 26, 2010)**I318-1**

The comment expresses concerns about noise and vibration, air quality, and home values. Comment acknowledged. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

See Standard Response 6 regarding project impacts on residential property values.

I318-2

See Response to Comment I031-2 regarding noise and vibration.

I318-3

See Response to Comment I299-1.

I318-4

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-

way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

The Burlingame airport hotels are located east of US 101. There are two crossings of US 101 from the area where the hotels are located into Burlingame. Broadway crosses US 101 near the center of the airport hotel area. After crossing US 101, it crosses the Caltrain corridor. Once a driver finds their way onto Broadway across US 101, they are deposited directly into the Broadway business district of Burlingame. The introduction of HST would provide a grade separation at Broadway so that drivers, cyclists and pedestrians will no longer face closed crossing gates when trains pass through the area.

The second crossing of US 101 is Peninsula Avenue, located south of the hotel area. Due to its distance from the hotels, it is unlikely that this would be a preferred route to access Burlingame, especially the Broadway business district. Still, if a driver were to utilize Peninsula Avenue, they would find again it would lead to the west side of the Caltrain/HST corridor in a straight line. There would likely be a grade-separated crossing at the railway tracks with the HST project.

I318-5

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation

strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I318-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I318-7

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. Site specific noise analysis, including a detailed evaluation of impacts to sensitive receptors such as schools, will be part of subsequent project-level EIR/EISs. The Authority will consider the comment as part of the project-level EIR/EIS processes. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I318-8

See Response to Comment I028-10. See Response to Comment I028-10.

I318-9

See Standard Response 10 regarding alternatives.

Comment Letter I319 (Catherine J. M. Nilmeyer, April 25, 2010)

Apr. 26. 2010 11:10AM

No. 0051 P. 1

Apr. 26. 2010 11:10AM

No. 0051 P. 2

I319 1

2

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority
925 "L" Street, Suite 1425
Sacramento, CA 95814
Email: comments@hsr.ca.gov
Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase a lot and cause problems at the following addresses/location and for the following reasons:

We used to live near the track in San Mateo (2 houses away), and I know how disruptive the CalTrain can be, but it serves a purpose and is infrequent. A more frequent schedule would be very difficult to tolerate as it would be a constant noise and vibration.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe 4 more tracks if passing sidings are needed. This is a big change from the way it is now and would be like putting a freeway through the center of Burlingame. Further it would divide the high school from the residents on the other side of the tracks and divide the east and west side residences. To avoid this, I want HSR underground the tracks. It was apparent Burlingame residence fought this issue before when B.A.R.T. wanted to run above ground tracks in the past.

Aerial tracks will be like putting a freeway where there used to be just 2 train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

Although Caltrain already runs through our neighborhood, the proposed changes will be a huge change that will be harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will be harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt how make my area looks:

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. Unlike other cities, we have most of our right-of-ways at ground level. When the few trains a day run through town, several areas are at a stand still. The impact on the community with additional trains could be devastating.

We were drawn to Burlingame for all the trees. This town has a wonderful feeling as you walk, bike or drive through the community. The trees at the track area help to cut the noise and visually improve the track area.

We have raised three daughters in this community. Taking them to school each day when we had to wait for a train was irritating, but understandable. Having to have parents wait several minutes and times a day would be difficult.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom, as the train runs past Burlingame High School.

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields along the track line. Please describe the effects and how you will mitigate them.

I realize this study has been continuing for some time, but has the Highway 101 corridor been studied for a possible location.

Very truly yours,



Catherine J.M. Nilmeyer, AIA
128 Pepper Avenue
Burlingame, California 94010

cc: Cathy Baylock, Mayor, City of Burlingame
cbaylock@burlingame.org

Assemblyman Jerry Hill
19th District, 1528 S. El Camino Real, Suite 302, San Mateo, CA 94402, Tel: (650) 349-1900, Fax: (650) 341-4676

Senator Leland Yee
District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402, (650) 340-8840

Senator Joe Simitian
11th District, 160 Town & Country Village, Palo Alto, CA 94301, Phone: (650) 688-6384, Fax: (650) 688-6370

Congresswoman Jackie Speier
12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

Response to Letter I319 (Catherine J. M. Nilmeyer, April 25, 2010)

I319-1

See Response to Comment I031-2 regarding noise and vibration.

I319-2

See Response to Comment I299-1.

I319-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

I319-4

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I319-5

The 2008 Final Program EIR identified that the HST project would result in significant and unavoidable impacts to the physical

environment. The EIR identified mitigation strategies to address these impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Accordingly, a change in the alternative selected would reduce or eliminate impacts to trees and vegetation along a particular alignment but would not eliminate altogether the impacts of constructing and/or implementing the HST system.

I319-6

The HST system would operate over a fully grade-separated, dedicated track alignment; therefore, it would not affect pedestrian access time. Site specific noise, air quality, and accessibility impacts during construction and operation of the HST to sensitive receptors such as schools, will be part of subsequent project-level environmental documents. The Authority will consider the comments as part of the project-level EIR/EIS processes. See also Standard Response 5.

I319-7

See Response to Comment I028-10.

I319-8

As noted in Table 2.5-4 of the 2008 Final Program EIR/EIS (page 2-43), the US 101 option was rejected from further consideration. As shown in the table, principal reasons for rejection of these alignments included construction, right-of-way, and environmental concerns, particularly visual and land use (right-of-way acquisition) impacts.

Comment Letter I320 (Amelia Nash, April 24, 2010)

I320

Kris Livingston

From: Amelia Nash [amelianash@gmail.com]
Sent: Friday, April 23, 2010 9:37 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment
Attachments: HighSpeedRail.doc

Attached please find comments on High Speed Rail in Burlingame.

Thank you,
 Amelia Nash

Date: April 24, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

1. I am worried about noise and vibrations. With the proposed train schedule (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following addresses/location and for the following reasons:

I320-1

I live in the neighborhood of Burlingame that is close to Caltrain ("Burlingables"), and we can already hear the whistles and noises from Caltrain during the day and into the night. I cannot imagine how loud the trains will be at 125 mph.

2. HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

I320-2

3. Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address at 712 Concord Way.

4. Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt my area's look and feel will be to diminish the property values on the east side of the track, as part of the value of living there is the charming walk to downtown.

I320-3

Please explain how you concluded that the visual impact of HSR on our community will be "low."

5. HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I320-4

Comment Letter I320 - Continued

Many of the residents of Burlingame walk to town on a daily basis; you are taking a walkable town and forcing the residents to have to use a car just to get across the tracks.

I320-4
cont.

6. I have children who attend the following schools:

___ Burlingame High School ___2_ (number) students attend this school, which is in session from ___8___ a.m. - ___3___ p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

7. Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I320-5

8. Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

To avoid the problems indicated, you should:

- ☒ Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I320-6

Very truly yours,

Amelia Nash
PRINT NAME
712 Concord Way
PRINT STREET ADDRESS
Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame
Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997
cbaylock@burlingame.org

State Assemblymember Jerry Hill,
Mail: 19th District, 1528 S. El Camino Real,
Suite 302, San Mateo, CA 94402
Fax: (650) 341-4676
Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee
Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402
Email to Dan Lieberman, District Representative for Millbrae and South, Dan.
Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing
Mail: 160 Town & Country Village, Palo Alto, CA 94301

Fax: (650) 688-6370
Email: Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier

Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

E

mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger

Mail: State Capitol Building, Sacramento, CA 95814, Fax: 916-558-3160

U.S. Senator Barbara Boxer

Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111

FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein

Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA 94104
Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing

Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

Response to Letter I320 (Amelia Nash, April 24, 2010)

I320-1

See Response to Comment I031-2 regarding noise and vibration.

I320-2

See Response to Comment I299-1.

I320-3

See Response to Comment I299-2. See Standard Response 6.

I320-4

See Response to Comment I002-3.

I320-5

See Response to Comment I292-8.

I320-6

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

Comment Letter I321 (Kara Gardner, April 26, 2010)

I321

Kris Livingston

From: Gardner Kara [karag2001@yahoo.com]
Sent: Wednesday, April 28, 2010 1:50 PM
To: CathyCOUNCIL-Baylock
Cc: HSR Comments
Subject: RE: Bay Area to Central Valley Revised Draft Program EIR Material Comment
Attachments: letterrehighspeedrail.doc

Sorry about that! Here it is again.

Kara Anne Gardner, Ph.D.
 Lecturer in Music, University of San Francisco
gardnerk@usfca.edu

--- On Tue, 4/27/10, COUNCIL-Baylock, Cathy <cbaylock@burlingame.org> wrote:

From: COUNCIL-Baylock, Cathy <cbaylock@burlingame.org>
 Subject: RE: Bay Area to Central Valley Revised Draft Program EIR Material Comment
 To: "Gardner Kara" <karag2001@yahoo.com>
 Date: Tuesday, April 27, 2010, 1:35 PM

Dear Dr. Gardner,
 Thank you for writing. Unfortunately, your e-mail did not have an attachment and would you kindly send it again? Thank you.

Cathy Baylock
 Mayor

-----Original Message-----

From: Gardner Kara [<mailto:karag2001@yahoo.com>]
 Sent: Tue 4/27/2010 10:01 AM
 To: Comments@hsr.ca.gov
 Cc: COUNCIL-Baylock, Cathy; Marc.Hershman@asm.ca.gov; Lieberman@sen.ca.gov; Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
 Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment

To whom it may concern: please see the attached letter regarding plans for high speed rail.

Kara Anne Gardner, Ph.D.
 Lecturer in Music, University of San Francisco
gardnerk@usfca.edu

April26, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following addresses/location:

1344 Paloma Ave., just one block and a half from the train station at Broadway in Burlingame

□HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

^Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

1344 Paloma Ave. Burlingame.

I321-1

I321-2

Comment Letter I321 - Continued

" Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape.

I321-3

Please explain how you concluded that the visual impact of HSR on our community will be "low."

" My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division at the following address:

I321-4

1344 Paloma Ave., as well as Broadway businesses.

" HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I321-5

" I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I321-6

" I have children who attend the following schools:

Lincoln Elementary

" Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I321-7

" Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

" Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at 1344 Paloma Ave.

I321-8

Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should:

- " Put the high speed train in a tunnel.
- " Put the high speed train in a covered trench.
- " Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
- " Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I321-9

Very truly yours,

Kara Gardner

PRINT NAME

1344 Paloma Ave.

PRINT STREET ADDRESS

Burlingame, California 94010

CC:

Cathy Baylock, Mayor, City of Burlingame

Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997

cbaylock@burlingame.org

State Assemblymember Jerry Hill,

Mail: 19th District, 1528 S. El Camino Real,

Suite 302, San Mateo, CA 94402

Fax: (650) 341-4676

Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee

Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402

Email to Dan Lieberman, District Representative for Millbrae and South, Dan. Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing

Mail: 160 Town & Country Village, Palo Alto, CA 94301

[Continued on next page]

Comment Letter I321 - Continued

Fax: (650) 688-6370

Email: Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier

Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

E

mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger

Mail: State Capitol Building, Sacramento, CA 95814, Fax: 916-558-3160

U.S. Senator Barbara Boxer

Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111

FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein

Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA 94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing

Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

Response to Letter I321 (Kara Gardner, April 26, 2010)

I321-1

See Response to Comment I031-2 regarding noise and vibration.

Also see Standard Response 5.

I321-2

See Response to Comment I299-1.

I321-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I321-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as

requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I321-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I321-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I321-7

See Response to Comment I292-8.

I321-8

See Response to Comment I028-10.

I321-9

See Standard Response 10 regarding alternatives.

Comment Letter I322 (Eileen Easterbrook, April 26, 2010)

I322

Kris Livingston

From: Eileen Easterbrook [eebrook@comcast.net]
Sent: Monday, April 26, 2010 8:01 AM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comment

Date: April 26, 2010

Dan Leavitt, California High Speed Rail Authority

925 "L" Street, Suite 1425

Sacramento, CA95814

Email: comments@hsr.ca.gov

Fax: (916) 322-0827

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, in Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly in the section East of the railroad tracks where many homes are and where the high school is located. We live at 409 Dwight Road in Burlingame and already hear the train, 101 traffic and the flights taking off from San Francisco airport.

Please analyze and describe how noise levels will increase along Dwight, Lexington and Bloomfield roads.

Additionally, HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences.

To avoid this, I definitely want HSR and Caltrain tracks underground.

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion.

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our

neighborhood looks and will dominate the landscape. Please explain how you concluded that the visual impact of HSR on our community will be "low."

I have children who attend the following schools: Burlingame High School

She attends this school, which is in session from 9 a.m. – 2:00 p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

My daughter is disabled. Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on east of the tracks.

Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should:

~ Put the high speed train in a tunnel. OR

~ Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

Eileen Easterbrook

409 Dwight Road

Burlingame, CA 94010

I322-3
cont.

I322-4

I322-5

I322-6

I322-1

I322-2

I322-3

Response to Letter I322 (Eileen Easterbrook, April 26, 2010)

I322-1

See Response to Comment I031-2 regarding noise and vibration.

I322-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I322-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I322-4

See Response to Comment I292-8.

I322-5

See Response to Comment I028-10.

I322-6

See Standard Response 10 regarding alternatives.

Comment Letter I323 (Jeff and Sharon Inokuchi, April 25, 2010)

Kris Livingston

I323

From: COUNCIL-Baylock, Cathy [cbaylock@burlingame.org]
Sent: Monday, April 26, 2010 8:18 AM
To: JEFF INOKUCHI, GRP-Council
Cc: PW/ENG-Murtuza, Syed
Subject: RE: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Inokuchi Family,
 Thank you for taking the time to write. I am forwarding your letter to our city council and Public Works Director.

Cathy Baylock
 Mayor

-----Original Message-----

From: JEFF INOKUCHI [mailto:jnokuchi@sbccglobal.net]
 Sent: Sun 4/25/2010 10:11 PM
 To: comments@hsr.ca.gov
 Cc: COUNCIL-Baylock, Cathy; Marc.Hershman@asm.ca.gov; lieberman@sen.ca.gov; Senator.simitian@sen.ca.gov;
 margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov

Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following addresses.

1440 Cortez Avenue
 Burlingame, CA 94010

1616 Coronado Way
 Burlingame, CA 94010

There is already a significant amount of noise from the SF International Airport. Nightly cargo flights and fly-overs are everyday

issues. Adding high-speed rail noise will only compound the current problems. Please analyze and describe how noise levels will increase at these addresses.

I323-1
 cont.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

I323-2

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion at the two addresses listed above.

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape.

I323-3

Please explain how you concluded that the visual impact of HSR on our community will be "low."

Construction issues would cripple access to local businesses and Highway 101, the main north-south corridor for the peninsula.

I323-4

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division and how it would affect the residential addresses listed above.

I323-5

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I323-6

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I323-7

My son attends Burlingame High School, which is in session from 7 AM (zero period) to 3 PM. This school is located immediately adjacent to the current Cal Train tracks. Current noise levels are excessive. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I323-8

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am requesting information on the current health risks and affects from electromagnetic fields. This applies to local schools and the residential addresses listed above. Please describe the effects and how you will mitigate them.

I323-9

To avoid the problems indicated, you should:

I323-10

Comment Letter I323 - Continued

Put the high speed train in a tunnel or in a covered trench
Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I323-10
cont.

Very truly yours,

Jeff Inokuchi
Leslie Inokuchi
Keith Inokuchi
1440 Cortez Avenue
Burlingame, CA 94010

Sharon Inokuchi, MD
1616 Coronado Way
Burlingame, CA 94010

cc:
Cathy Baylock, Mayor, City of Burlingame
City Hall, 501 Primrose Road, Burlingame, California 94010-3997

State Assemblymember Jerry Hill,
19th District, 1528 S. El Camino Real, Suite 302, San Mateo, CA 94402
Via e-mail: Marc Hershmann, Field Representative in San Mateo
State Senator Leland Yee

District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402
Via e-mail: Dan Lieberman, District Representative for Millbrae

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and
Transportation, Member, Committee on Transportation and Housing

160 Town & Country Village, Palo Alto, CA 94301

Congresswoman Jackie Speier
12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402
Via e-mail: Margo Rosen, District Director for San Mateo office

Governor Arnold Schwarzenegger
State Capitol Building, Sacramento, CA 95814
Contacted via e-mail portal

U.S. Senator Barbara Boxer
Mail Attn: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111

Contacted via e-mail portal

U.S. Senator Diane Feinstein Mail Attn: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA 94104

Contacted via e-mail portal

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and
Transportation, Chair, Committee on Transportation and Housing

Via e-mail: Mark Pulido, District Director, Long Beach

Response to Letter I323 (Jeff and Sharon Inokuchi, April 25, 2010)

I323-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I323-2

See Response to Comment I299-1.

I323-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I323-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as

requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR. More detailed impact analyses related to HST system construction including trackway, stations, maintenance facilities, transmission lines, staging areas, and other project elements will be performed during the project-level EIR/EIS analysis, when more detailed design, location, and phasing/duration information will be available for the selected HST alignment. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I323-5

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade

separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I323-6

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I323-7

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I323-8

See Response to Comment I292-8.

I323-9

See Response to Comment I028-10.

I323-10

See Standard Response 10 regarding alternatives.

Comment Letter I324 (Joya De Ranieri, April 20, 2010)

Joya De Ranieri
1033 Laguna Avenue
Burlingame, California 94010-3623



April 20, 2010

Dan Leavitt, California High Speed Rail Authority
925 "L" Street, Suite 1425
Sacramento, CA 95814
Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program
EIR Material

COMMENTS

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a twenty-eight year resident and home owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

My Concerns are as follows:

I am worried about noise and vibrations. With the proposed train scheduled (two-hundred trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will significantly increase causing problems at my home on 1033 Laguna Avenue, Burlingame for the following reasons:

It will simply be too loud and disrupt what is currently a quiet residential neighborhood. We have a lovely, established childcare facility, PalCare, located at 945 California Drive that would be directly impacted. Many of the businesses along California Drive, which are the service industries of town, i.e. paint store, coin operated laundry, dry cleaners, etc will be impacted.

I am disabled. After owning a home on the west side of El Camino at 1611 Willow Avenue, Burlingame since 1981 I moved to my current home to be closer and have easier access to the business corridors and services along California Drive in 2007. The proposed route would displace many, if not most, of those businesses. With real estate prices and rents still skyrocketing along Burlingame Avenue and Broadway, even in this current financial crisis, it is questionable whether any of the service businesses will be able to afford to relocate anywhere in town. If not, the very small community fabric that is core to the Burlingame will be lost. This loss will very adversely affect not only property values but significantly lessen the cohesiveness of life style and small town atmosphere currently so treasured by many Burlingame residents.

The noise levels will increase along California Drive to the detriment of existing businesses and clients. HSR will divide Burlingame. It will add at least two tracks to the existing two tracks used by Caltrain and maybe four more tracks if passing sidings are needed. This is a dramatic change from the way it is now and would be like putting a freeway through the center of Burlingame. It would divide the high school from the residents on the other side of the tracks. It will divide the east and west side residences. We have just spent years, extended effort, and parcel tax funds to renovate and upgrade our beautiful high school which sits directly on the east side of the current, tree lined, tracks.

Aerial tracks will be like putting a freeway where there used to be just two train tracks. The noise levels, particularly at Burlingame High School are simply not acceptable. It will create a unhealthy noise level for student athletes and musicians who currently practice outdoors directly across from the current tracks. I have three sons who graduated from BHS and a grand daughter living in Burlingame, at 1040 Paloma Avenue, whom I hope will be afforded the same opportunity to attend Burlingame High School. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and it's students and learning environment. Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on young people at the high school and people regularly using our only aquatic center, adjacent to and within a block from the tracks. HSR will severely and unfavorably alter how we get to school, businesses, and other destinations on the other side of the track.

Although Caltrain already runs through our neighborhood, the proposed changes will be monstrous. Adding the HSR tracks, the extra tracks Caltrain will need to keep running during construction, running trains every five minutes, plus adding high electrical poles and wires, will create a visual neighborhood eyesore and will dominate the landscape. Since I live only two blocks off California Drive, if the track corridor along California Drive is widened and the number of trains increased it will have the effect of literally moving the train into my living room. My home will be transformed from quaint a cottage lined street into a noise ridden, unsightly neighborhood, if, in fact, it even remains a neighborhood.

A detailed explanation of what criterion you used and how you concluded that the visual impact of HSR on our community will be "low" is requested.

My immediate neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property must be taken to run these temporary tracks.

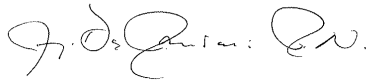
Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Comment Letter I324 - Continued

Burlingame is often referred to as the City of Trees. It's trees and neighborhoods are part of a core attraction of our city. I don't want trees cut down along the Caltrain right-of-way in Burlingame. To avoid this, the disruption of integral neighborhood constructs, and the myriad of above listed reasons, I want HSR to underground the tracks. | I324-12

To avoid the problems indicated, you should consider alternative routes to the present Caltrain corridor and methods of construction that will not have such devastating impacts on my community. | I324-13

Very truly yours,



Joya De Ranieri, R.N.
1033 Laguna Avenue
Burlingame, California 94010

cc: Cathy Baylock, Mayor, City of Burlingame
Burlingame City Hall
501 Primrose Road
Burlingame, California 94010

Assemblyman Jerry Hill 19th District
1528 S. El Camino Real, Suite 302
San Mateo, CA 94402

Senator Leland Yee District 8,
400 South El Camino Real, Suite 630
San Mateo, CA 94402,

Senator Joe Simitian 11th District,
160 Town & Country Village
Palo Alto, CA 94301

Congresswoman Jackie Speier 12th Congressional District
400 S. El Camino Real, Suite 750
San Mateo, CA 94402

Response to Letter I324 (Joya De Ranieri, April 20, 2010)

I324-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I324-2

See Standard Response 6.

I324-3

See Standard Response 3.
More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs.

I324-4

Comments noted. As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existing would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

I324-5

Comment acknowledged. The Authority has received a number of comments expressing concern over the impacts of the HST being placed an elevated structure. The Authority is evaluating multiple profile alternatives at the project level including at-grade and below grade alternatives (trench and tunnel) in addition to an aerial

profile. Site specific noise/vibration, construction, and train operational impacts on sensitive receptors such as schools, will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes. See also Standard Response 5.

I324-6

See Response to Comment I028-10.

I324-7

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I324-8

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

The alignment, as depicted in the 2008 Final Program EIR, is within the existing Caltrain right-of-way along Carolan Avenue and east of California Drive. Your address is two blocks west of California Drive,

on the west side of Laguna Avenue, according to Google Maps. The train would be over blocks from your living room, so the impacts to your residence and the neighborhood surrounding it should be negligible.

I324-9

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I324-10

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of

significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I324-11

See Response to Comment I249-10 regarding ADA.

I324-12

The visual assessment in the Program EIR considered that the distance measured between the canopy of the trees lining the right-of-way in Burlingame is between 75 and 85 feet. This distance was compared to the width of the Caltrain right-of-way south of SR 84, Woodside Road, in Redwood City, where there are already four tracks for Caltrain. The total width of the right-of-way in that section is about 77 feet, as measured from an aerial photo. This led to the determination that four tracks could be accommodated without removal of the existing trees.

The ability to add the two tracks to the existing Caltrain alignment and design a grade separation that did not visually dominate the existing Burlingame station led to the visual impact ranking in the EIR. From downtown, the station will remain the dominant feature at the foot of Burlingame Avenue. The eucalyptus will remain the dominant visual item along California Drive and Carolan Avenue. Alternative configurations will be analyzed as part of the project-level EIR/EIS, including underground options.

I324-13

See Standard Response 10 regarding route alternatives.

Comment Letter I325 (Kerry Inokuchi, April 25, 2010)

Kris Livingston

From: Kerry Inokuchi [kerryinaki@sbcglobal.net]
Sent: Sunday, April 25, 2010 10:30 PM
To: HSR Comments
Cc: cbaylock@burlingame.org; Marc.Hershman@asm.ca.gov; Dan.Lieberman@sen.ca.gov; Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following address.

1440 Cortez Avenue
 Burlingame, CA 94010

There is already a significant amount of noise from the SF International Airport. Nightly cargo flights and fly-overs are everyday issues. Adding high-speed rail noise will only compound the current problems. Please analyze and describe how noise levels will increase at this address.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion at the address listed above.

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will

I325

harm how our neighborhood looks and will dominate the landscape.

Please explain how you concluded that the visual impact of HSR on our community will be "low."

Construction issues would cripple access to local businesses and Highway 101, the main north-south corridor for the peninsula.

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division and how it would affect the residential address listed above.

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

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Powerful new electrical poles and wires will be needed to run the high speed trains. I am requesting information on the current health risks and affects from electromagnetic fields. This applies to local schools and the residential address listed above. Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should:

- Put the high speed train in a tunnel or in a covered trench
- Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
- Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

Kerry Inokuchi
 1440 Cortez Avenue
 Burlingame, CA 94010

I325-3
cont.

I325-4

I325-5

I325-6

I325-7

I325-8

I325-9

I325-10

I325-1

I325-2

I325-3

Comment Letter I325 - Continued

CC:

Cathy Baylock, Mayor, City of Burlingame
City Hall, 501 Primrose Road, Burlingame, California 94010-3997

State Assemblymember Jerry Hill,
19th District, 1528 S. El Camino Real, Suite 302, San Mateo, CA 94402
Via e-mail: Marc Hershmann, Field Representative in San Mateo
State Senator Leland Yee

District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402
Via e-mail: Dan Lieberman, District Representative for Millbrae

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources,
Environmental Protection, Energy and Transportation, Member, Committee on Transportation and
Housing
160 Town & Country Village, Palo Alto, CA 94301

Congresswoman Jackie Speier
12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402
Via e-mail: Margo Rosen, District Director for San Mateo office

Governor Arnold Schwarzenegger
State Capitol Building, Sacramento, CA 95814
Contacted via e-mail portal

U.S. Senator Barbara Boxer
Mail Attn: Hilary Pearson, Field Representative for **San Mateo County**, 1700 Montgomery Street, Ste
240, San Francisco, **CA 94111**
Contacted via e-mail portal

U.S. Senator Diane Feinstein Mail Attn: Christine Epres, Field Representative, 1 Post Street, Ste
2450, San Francisco, CA 94104
Contacted via e-mail portal

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources,
Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and
Housing
Via e-mail: Mark Pulido, District Director, Long Beach

Response to Letter I325 (Kerry Inokuchi, April 25, 2010)

I325-1

See Response to Comment I031-2 regarding noise and vibration.

I325-2

See Response to Comment I299-1.

I325-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

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I325-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not

one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR. More detailed impact analyses related to HST system construction including trackway, stations, maintenance facilities, transmission lines, staging areas, and other project elements will be performed during the project-level EIR/EIS analysis, when more detailed design, location, and phasing/duration information will be available for the selected HST alignment. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I325-5

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation

construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I325-6

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations

strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I325-7

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I325-8

See Response to Comment I292-8.

I325-9

See Response to Comment I028-10.

I325-10

See Standard Response 10 regarding alternatives.

Comment Letter I326 (Greg R. Frazer, April 26, 2010)

I326

Kris Livingston

From: Gregory Frazer [gregory_r_frazer@yahoo.com]
Sent: Monday, April 26, 2010 2:14 PM
To: HSR Comments
Cc: cbaylock@burlingame.org; Marc.Hershman@asm.ca.gov; Lieberman@sen.ca.gov; Senator.similtian@sen.ca.gov; margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov; Gregory Frazer; Greg Frazer (Juniper)
Subject: Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments
Attachments: HSR Letter - Greg Frazer.doc

Dear Mr. Laevitt:

Please find attached my request for a response to the questions contained in the attachment that address the HRSA March 4, 2010 Revised Draft Program Level EIR.

Sincerely,

Greg Frazer
 701 Burlingame Avenue
 Burlingame, CA 94010

Date: April 26, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 at 5PM to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR).

I am a resident of Burlingame, California, a city on the Peninsula between San Francisco to San Jose. My specific address is 701 Burlingame Avenue, Burlingame, California 94010.

Here are my concerns:

Additional Tracks and Elevated Tracks

HSR will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. In addition, elevated tracks would be a significant change from the current ground level tracks, putting an elevated "freeway" through the center of Burlingame.

I326-1

My understanding is that the elevated track could be at least 90 to 100 feet in width and 15 to 20 feet tall. It would divide the high school and main recreation facilities as well as residents and businesses on the east side of the tracks from our primary business districts on Burlingame and Broadway Avenues, as well as City facilities such as City Hall and the Burlingame Library. Not to mention friends and neighbors on the west side of the tracks.

Please describe the following:

- How you decided that there will be NO impact on community cohesion?
- What would happen to Burlingame's historic Eucalyptus Grove and how you concluded that the visual impact of HSR on our community will be "low?"
- How does the HSRA plan to obtain the necessary land, and if through Eminent Domain please provide a list of business and residences that would be targeted?
- What is the potential impact on property values to the affected areas and those in the immediate vicinity (in particular my address above), as well as the impact on property tax assessments and how that would impact the City and County of San Mateo's revenues?

I326-2

I326-3

I326-4

Impacts: Noise, Vibrations, Electromagnetism

I am worried about the noise, vibrations and electromagnetism associated with this project, both in the short-term and the long-term. In addition to concerns with my own address above I am also concerned about our schools. I have a child who will eventually attend Washington Elementary School, Burlingame Intermediate School, and then Burlingame High School, typically from 8AM to 5PM, Monday through Friday.

I326-5

With the proposed train schedule (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly, especially if tracks are elevated above the current buffer of trees and homes closer to the current tracks.

In addition, powerful new electrical poles and wires will be needed to run the high-speed trains. I am worried about the health effects of electromagnetic fields on people.

I326-6

Comment Letter I326 - Continued

I request a specific analysis of how noise, vibrations, construction and train operations will affect my address as well as those of the 3 schools listed above. With regards to the schools, please address how these factors will impact the learning environment. Also, please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I326-7

Finally, for all 4 addresses, please describe how you will mitigate any effects.

I326-8

To avoid the problems indicated in this letter, you should consider the following options:

- Put the high-speed train in a tunnel,
- Put the high-speed train in a covered trench,
- Route the high-speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems, or
- Stop the high-speed train in San Jose and have people get onto a Caltrain bullet train to reach San Francisco.

I326-9

Very truly yours,

Gregory R. Frazer
701 Burlingame Avenue
Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame

Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997
cbaylock@burlingame.org

State Assemblymember Jerry Hill,

Mail: 19th District, 1528 S. El Camino Real,
Suite 302, San Mateo, CA94402
Fax: (650) 341-4676

Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee

Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402

Email to Dan Lieberman, District Representative for Millbrae and South, Dan. Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing
Mail: 160 Town & Country Village, Palo Alto, CA94301
Fax: (650) 688-6370

Email: Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier

Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

E

mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing
Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

Response to Letter I326 (Greg R. Frazer, April 26, 2010)

I326-1

See Response to Comment I002-3.

I326-2

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I326-3

See Standard Response 7 regarding Eminent Domain.

I326-4

See Standard Response 6 regarding property values.

I326-5

See Response to Comment I031-2 regarding noise and vibration.

Also see Standard Response 5.

I326-6

See Response to Comment I028-10.

I326-7

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. Site specific noise analysis, including a detailed evaluation of impacts to sensitive receptors such as schools, will be part of subsequent project-level EIR/EISs. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I326-8

The comment requests information about mitigation as specific addresses. See Standard Response 3 about the level of detail for impacts analysis and mitigation in the program EIR.

I326-9

The commenter states that the HST should be put in a tunnel to avoid problems. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary

alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3.

The commenter states that the HST should be put in a tunnel to avoid problems. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3 regarding level of detail.

The Superior Court in the Town of Atherton case held the Authority has substantial evidence supporting the elimination of I-280 alignment alternative from study in the 2008 Bay Area to Central Valley Program EIR. See Appendix A of the 2010 Revised Draft Program EIR (page 19). The Authority and the FRA considered a potential HST alternative along I-280 between San Francisco and San Jose as part of the Statewide Program EIR/EIS process and the Bay Area to Central Valley Program EIR/EIS process. The I-280 alternative was screened out from further study in the program environmental documents for practicability reasons. The Superior Court in the Town of Atherton case held the Authority has substantial evidence supporting the elimination of U.S. 101 alignment alternative from study in the 2008 Bay Area to Central Valley Program EIR. See Appendix A of the 2010 Revised Draft Program EIR (page 19). The Authority and the FRA considered a potential HST alternative along U.S. 101 between San Francisco and

San Jose as part of the Statewide Program EIR/EIS process and the Bay Area to Central Valley Program EIR/EIS process. The U.S. 101 alternative was screened out from further study in the program environmental documents for practicability reasons. The Authority and FRA revisited this alignment alternative as part of the alternatives screening for the project level environmental documents. The alternatives analysis affirmed the previous conclusions that this alternative was not practicable.

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

Comment Letter I327 (Vicki Friedberg and William Pollock, April 25, 2010)

1327

Kris Livingston

From: COUNCIL-Baylock, Cathy [cbaylock@burlingame.org]
Sent: Monday, April 26, 2010 8:15 AM
To: Vicki Friedberg, GRP-Council
Cc: PW/ENG-Murtuza, Syed
Subject: RE: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Vicki,
Thank you for your letter. I copying our city council and Public Works Director as well.

Cathy Baylock
Mayor

-----Original Message-----

From: Vicki Friedberg [mailto:vfriedberg@hotmail.com]
Sent: Sun 4/25/2010 9:45 PM
To: comments@hsr.ca.gov
Cc: COUNCIL-Baylock, Cathy; marc.hershman@asm.ca.gov; dan.lieberman@sen.ca.gov; senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; mark.pulido@sen.ca.gov; governor@governor.ca.gov

Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

April
25, 2010

Dan
Leavitt, California High Speed Rail Authority
925
"L" Street, Suite 1425
Sacramento,
CA 95814
Email:
comments@hsr.ca.gov

Re:
Bay Area to Central Valley Revised Draft Program EIR Material
Comments

Dear
Mr. Leavitt:

We
are writing before the April 26, 2010, deadline to officially submit
our comments to High Speed Rail Authority's (HSRA) March 4, 2010,
Revised Draft Program Level EIR (EIR). We are residents of the city
of Burlingame, on the Peninsula between San Francisco and San Jose.

Here
are our concerns:

1.
We are worried about noise and vibrations. With the proposed number
of trains scheduled (200 trains a day) and the expected high decibel
levels for steel on steel wheels at 125 mph (93 dBA), the noise and
vibrations will increase significantly and cause problems to the
businesses and residences in the surrounding areas.

Please
analyze and describe how noise levels will increase in the areas in
Burlingame (including Burlingame High School, Washington School, the
Recreation Center, Downtown Burlingame (Burlingame Ave.), and
residences near the train tracks including at this address:

409
Concord Way, Burlingame, CA

2.
HSR will divide Burlingame. It will add at least 2 tracks to the
existing 2 tracks used by Caltrain and perhaps more tracks if passing
sidings are needed. If tracks are elevated, this is a significant
change from the current ground level tracks and would be akin to
putting an elevated freeway through the center of Burlingame.
Further, it would divide the High School and recreation facilities
from the residents on the west side of the tracks, divide our
downtown from east side residents (the area in which we live), and
divide east and west side residents from each other. To avoid this,
we want HSR and Caltrain tracks underground.

I327-1

I327-2

Comment Letter I327 - Continued

Elevated tracks with associated wires would be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you concluded that there would be NO impact on community cohesion for this address.

I327-2
cont.

409
Concord Way, Burlingame, CA

Please ensure that any noise impacts on each classroom in these schools comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I327-6
cont.

Please ensure that the noise, construction, pollution, and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory, and other disabilities.

3. Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. The addition of the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires will harm how our neighborhood looks and will dominate the landscape.

Please explain how you concluded that the visual impact of HSR on our community will be "low."

I327-3

7. Powerful new electrical poles and wires will be needed to run the high speed trains. We are worried about the health effects of electromagnetic fields on school children, patrons of local businesses, and residents in the areas near high speed rail.

I327-7

Please describe the effects and how you will mitigate them.

4. Our neighborhood will be harmed by the extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks.

I327-4

To avoid the problems indicated, you should consider one of the following solutions:

Put the high speed train in a tunnel, or

I327-8

5. HSR will harm how we get to school, businesses, and other destinations on the west side of the tracks.

I327-5

Stop the high speed train in San Jose and have people transfer to Caltrain bullet trains to reach San Francisco.

6. Our neighborhood includes the following schools: Washington Elementary School and Burlingame High School. We request a specific analysis of how noise, vibrations, construction, and train operations will affect these schools and their students and learning environment.

I327-6

Very truly yours,

Vicki
Friedberg
William
Pollock

Comment Letter I327 - Continued

409
Concord Way
Burlingame,
CA 94010

cc:

Governor
Arnold
Schwarzenegger

Congresswoman
Jackie Speier

State
Senator Alan Lowenthal,
27th district
Member,
Budget Subcommittee on Resources, Environmental Protection, Energy,
and Transportation; Chair, Committee on Transportation and Housing
State
Senator Joe Simitian,
11th District
Member,
Budget Subcommittee on Resources, Environmental Protection, Energy,
and Transportation; Member, Committee on Transportation and Housing

State
Senator Leland Yee

State
Assemblyman Jerry Hill

Cathy
Baylock, Mayor, City of Burlingame

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail.
http://www.windowslive.com/campaign/thenewbusy?tile=multicalendar&ocid=PID28326:T:WLMTAGL:ON:WL:en:US:WM_HMP:042010_5

Response to Letter I327 (Vicki Friedberg and William Pollock, April 25, 2010)

I327-1

See Response to Comment I031-2 regarding noise and vibration.

I327-2

See Response to Comment I299-1.

I327-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I327-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not

one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I327-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I327-6

See Response to Comment I292-8.

I327-7

See Response to Comment I028-10.

I327-8

See Standard Response 10 regarding alternatives.

Comment Letter I328 (Natalie Sheveliov, April 25, 2010)

Kris Livingston

I328

From: Natalie Sheveliov [nsheveliov@hotmail.com]
Sent: Monday, April 26, 2010 11:03 AM
To: HSR Comments
Cc: assemblymember.hill@assembly.ca.gov; assemblymember.ruskin@assembly.ca.gov; senator.yee@sen.ca.gov; senator.simital@sen.ca.gov; cbaylock@burlingame.org; tnagel@burlingame.org; akeighran@burlingame.org; mbrownrigg@burlingame.org; jdeal@burlingame.org
Subject: Burlingame Resident at 1204 Edgehill Drive: Bay Area to Central Valley Revised Draft Program EIR Material Comments

April 25, 2010

Dan Leavitt, California High Speed Rail Authority

925 "L" Street, Suite 1425

Sacramento, CA 95814

Email: comments@hsr.ca.gov

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase a lot and cause problems at the following addresses/location and for the following reasons:

I live on Bayswater and can see the tracks

The existing train makes a great deal of noise already

Please analyze and describe how noise levels will increase at these addresses.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe 4 more tracks if passing sidings are needed. This is a big change from the way it is now and would be like putting a freeway through the center of Burlingame. Further it would divide the high school from the residents on the other side of the tracks and divide the east and west side residences. To avoid this, I want HSR underground the tracks.

Aerial tracks will be like putting a freeway where there used to be just 2 train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address. | I328-2 cont.

Although Caltrain already runs through our neighborhood, the proposed changes will be a huge change that will be harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will be harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt how make my area looks:

Reduce the value of our property | I328-3

Deteriorate our standard of living

Begin to deter new high income residence and existing high income residence from living and paying taxes in the city of Burlingame

Please explain how you concluded that the visual impact of HSR on our community will be "low." | I328-4

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property must be taken to run these temporary tracks. I am specifically worried about this division at the following address: | I328-5

600 Bayswater Ave, Burlingame

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks as it will split our city in two. | I328-6

I don't want trees cut down along the Caltrain right-of-way in Burlingame. | I328-7

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom. | I328-8

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at (address) at 600 Bayswater Ave Burlingame. | I328-9

Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should consider alternative routes to the present Caltrain corridor and methods of construction that will not have such devastating impacts on my community. | I328-10

Sincerely,

Comment Letter I328 - Continued

Natalie Shevelyov
1204 Edgehill Drive
Burlingame, CA 94010

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. Get busy.

Response to Letter I328 (Natalie Shevelyov, April 25, 2010)

I328-1

See Response to Comment I002-2.

I328-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I328-3

See Response to Comment I299-2. See Standard Response 6.

I328-4

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I328-5

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I328-6

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during

construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I328-7

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I328-8

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. Site specific noise analysis, including a detailed evaluation of impacts to sensitive receptors such as schools, will be part of subsequent project-level EIR/EISs. The Authority will consider the comment as part of the project-level EIR/EIS processes. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I328-9

See Response to Comment I028-10.

I328-10

See Standard Response 10 regarding route alternatives.

Comment Letter I329 (Andy Sells, April 25, 2010)

Kris Livingston

From: Andy Sells (Artsntek) [andy@artsntek.com]
Sent: Sunday, April 25, 2010 9:03 PM
To: HSR Comments
Cc: cbaylock@burlingame.org; Marc.Hershman@asm.ca.gov; Lieberman@sen.ca.gov; Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment

Importance: High

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority

925 "L" Street, Suite 1425

Sacramento, CA95814

Email: comments@hsr.ca.gov

Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following addresses/location and for the following reasons:

(1) The height of an elevated railway will likely facilitate the sound traveling further and impacting a wider radius than the current Caltrain trains

Please analyze and describe how noise levels will increase at these addresses.

(1) At Marin Dr., between Oak Grove and Plymoth

(2) in town, where people love to walk, congregate, and eat outdoors, with sidewalk tables (e.g., Burlingame Ave. – which is a huge part of the charm and appeal of Burlingame, and one of the reasons people (like us) move here or visit or frequent the shops and restaurants.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the

I329

residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

450 Marin Dr., Burlingame

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt my area's look and feel:

How would YOU like to have a 4 lane elevated "freeway" running 3-4 blocks from YOUR home, when prior to that, you invested your LIFE SAVINGS to buy a home in a nice, quiet neighborhood with EASY, WALKING ACCESS to a QUIET, RURAL feeling town and lots of trees, that all of a sudden, becomes dominated with a huge concrete structure with loud noise and vibration emanating from it up to 200 times a day!!!!?????

Do you honestly believe this will not bring down property values all around Burlingame and significantly and negatively impact our quality of life?

Please explain how you concluded that the visual impact of HSR on our community will be "low."

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

Burlingame is known as the City of Trees. It is major source of beauty and pride for the neighborhood, and it acts as a natural sound absorber as well regarding the current Caltrains. Taking away the trees would be a major loss of beauty and distinctiveness of Burlingame, and yet another horrible side effect of putting HSR above ground.

One of my children went to Burlingame High, and this was yet another reason we moved to Burlingame – for the quality of the school, the setting, etc. My concern for my fellow Burlingame residents' and their children aside, if the quality of the school environment or education quality goes down, this also makes the town less desirable and brings down property values. Yet another way the elevated HSR could destroy my wife's and my lifetime investment in a quality home in a quality, sought-after neighborhood.

I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

I329-2
cont.

I329-3

I329-4

I329-5

I329-6

I329-1

I329-7

I329-2

Comment Letter I329 - Continued

Please describe the effects and how you will mitigate them.

I329-7
cont.

To avoid the problems indicated, you should:

Put the high speed train in a tunnel.

Or

Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.

I329-8

Or

Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

Andrew Sells

450 MARIN DR.

Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame

Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997

cbaylock@burlingame.org

State Assemblymember Jerry Hill,

Mail: 19th District, 1528 S. El Camino Real,

Suite 302, San Mateo, CA94402

Fax: (650) 341-4676

Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee

Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402

Email to Dan Lieberman, District Representative for Millbrae and South, Dan: Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing

Mail: 160 Town & Country Village, Palo Alto, CA94301

Fax: (650) 688-6370

Email: Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier

Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

E

mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger

Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160

U.S. Senator Barbara Boxer

Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111

FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein

Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing

Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

Response to Letter I329 (Andy Sells, April 25, 2010)

I329-1

See Response to Comment I002-2.

I329-2

See Response to Comment I299-1.

I329-3

See Response to Comment I299-2. See Standard Response 6.

I329-4

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I329-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction

impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I329-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I329-7

See Response to Comment I292-8.

I329-8

See Standard Response 10 regarding alternatives.

Comment Letter I330 (Lisa Smith, April 26, 2010)

I330**Kris Livingston**

From: Lisa Smith [lisainsfo@yahoo.com]
Sent: Monday, April 26, 2010 12:35 PM
To: HSR Comments
Cc: assemblymember.hill@assembly.ca.gov; assemblymember.ruskin@assembly.ca.gov; senator.yee@sen.ca.gov; senator.simital@sen.ca.gov; cbaylock@burlingame.org; tnagel@burlingame.org; akeighran@burlingame.org; mbrownrigg@burlingame.org; jdeal@burlingame.org
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR).

As a Burlingame home owner, I wholeheartily believe the additional tracks will cause extraordinary noise level as well as a huge eye sore. Burlingame is a quaint, quiet town with a rare thriving downtown that will not be able to tolerate this. The new tracks will be like a freeway dividing the town and affecting traffic as well as the environment. | I330-1

Additionally, I have a child that attends Washington Elementary School a few blocks from the existing CalTrain tracks. Several hundred students attend this school, which is in session from 8 a.m. - 3 p.m. Also, Burlingame High School (where my child will go in a few years) is across the street from the tracks. *I request a specific analysis of how noise, vibrations, construction and train operations will affect these school and its students and learning environment.* | I330-2

To avoid the problems indicated above, you should consider alternative routes to the present Caltrain corridor and methods of construction that will not have such devastating impacts on my community. | I330-3

Respectfully,

Lisa Smith

225 Anita Road

Burlingame, CA 94010

Response to Letter I330 (Lisa Smith, April 26, 2010)

I330-1

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existing would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

I330-2

Site specific noise/vibration, construction, and train operational impacts on sensitive receptors such as schools, will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes. See Standard Response 5.

I330-3

See Standard Response 10 regarding route alternatives.

Comment Letter I331 (Don Donoughe and Beth Concoby, April 26, 2010)

Kris Livingston

From: Don Donoughe [don@donoughedesign.com]
Sent: Monday, April 26, 2010 2:46 PM
To: HSR Comments
Subject: HSR in Burlingame

Date: April 26, 2010

Dan Leavitt, California High Speed Rail Authority

925 "L" Street, Suite 1425

Sacramento, CA95814

Email: comments@hsr.ca.gov

Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following addresses/location and for the following reasons:

I331

I331-1

We live within two blocks of the Caltrain tracks and the noise is already a problem. My wife and I just spent over \$250,000 on renovations which will be money lost if our house values go down dramatically as a result of this giant construction and subsequent structure in our neighborhood. It is without a doubt a bad idea for this to happen in our residential area. Our neighbors are already delaying construction plans as a result of the proposed HSR project.

I331-2

I would like to know what the exact noise level would be at our house which is located at 100 Arundel Way in Burlingame

I331-3

☐ HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

I331-4

☐ Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. I would like to know how you decided that there will be NO impact on community cohesion for this address.

☐ Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt my area's look and feel:

This is like adding a four lane elevated freeway in the middle of a small town, not ideal for anyone especially people who have invested hundreds of thousands of dollars into their most valuable assets, their home.

I331-5

Please explain how you concluded that the visual impact of HSR on our community will be "low."

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division at the following address:

I331-6

Comment Letter I331 - Continued

100 Arundel Road Burlingame (our house)
630 North San Mateo Drive, San Mateo (my office building)

I331-6
cont.

Please describe the effects and how you will mitigate them.

I331-10
cont.

☒ HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I331-7

To avoid the problems indicated, you should:

☒ Put the high speed train in a tunnel.

☒ Put the high speed train in a covered trench.

☒ Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.

☒ Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I331-11

☒ I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I331-8

☒ I have children who attend the following schools:

Burlingame High School

Our son Logan is a student who attend this school, which is in session from 8 a.m. - 3:00 p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

I331-9

Very truly yours,

Beth Concoby &

Don Donoughe

100 Arundel Road

Burlingame, California

94010

cc:

☐ Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

☐ Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

☐ Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at 100 Arundel Road, Burlingame, CA

I331-10

State Assemblymember Jerry Hill,

Mail: 19th District, 1528 S. El Camino Real,

Suite 302, San Mateo, CA94402

Fax: (650) 341-4676

Comment Letter I331 - Continued

Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee

Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402

Email to Dan Lieberman, District Representative for Millbrae and South, Dan.
Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing

Mail: 160 Town & Country Village, Palo Alto, CA94301

Fax: (650) 688-6370

Email: Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier

Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

E

mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger

Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160

U.S. Senator Barbara Boxer

Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111

FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein

Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing

Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov
d_d

don@donoughedesign.com
<http://www.donoughedesign.com>

p 650.458.8959
c 650.759.6569
f 631.614.3508

Response to Letter I331 (Don Donoughe and Beth Concoby, April 26, 2010)

I331-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I331-2

See the Response to Comment I333-1 concerning noise and vibration. Also see Standard Response 5.

See Standard Response 6 regarding impacts on residential property values.

I331-3

See Standard Response 3.

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs.

I331-4

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I331-5

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping

would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I331-6

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the

project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I331-7

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I331-8

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I331-9

See Response to Comment I292-8.

I331-10

See Response to Comment I028-10.

I331-11

See Standard Response 10 regarding alternatives.

Comment Letter I332 (Karen D. Sparks, April 26, 2010)

I332

Kris Livingston

From: Karen Sparks [kds06272002@yahoo.com]
Sent: Monday, April 26, 2010 2:59 PM
To: HSR Comments; richard.steffen@mail.house.gov
Subject: HSR comments
Attachments: HSR letter.doc

Date: April 26, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following addresses/location and for the following reasons:

I currently live approximately 4 blocks from the train station and I can hear the current train horn and sounds. Increased decibel levels would definitely present a nuisance situation.

Please analyze and describe how noise levels will not significantly increase.

Additionally, HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. **To avoid this, I want HSR and Caltrain tracks underground.**

"Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape.

I332-1

I332-2

I332-3

Comment Letter I332 - Continued

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I332-4

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame. I332-5

" Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities. I332-6

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people in the community. I332-7

Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should either:
Put the high speed train in a tunnel or
Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco. I332-8

Very truly yours,

Karen D. Sparks
1215 Bayswater Avenue, #302
Burlingame, California 94010

Response to Letter I332 (Karen D. Sparks, April 26, 2010)

I332-1

See Response to Comment I031-2 regarding noise and vibration.

I332-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I332-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

I332-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the

full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption from relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I332-5

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I332-6

See Response to Comment I249-10 regarding ADA.

I332-7

See Response to Comment I028-10.

I332-8

See Standard Response 10 regarding alternatives.

Comment Letter I333 (Tara and Fred Klein, April 25, 2010)

I333

Kris Livingston

From: tara.klein [tara@webklein.com]
Sent: Sunday, April 25, 2010 1:37 PM
To: HSR Comments
Cc: Marc.Hershman@asm.ca.gov; 'Dan.'; cbaylock@burlingame.org;
 "Senator.similtian@sen.ca.gov"; ssmtp112.biz.mail.sp1.yahoo.com;
 margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following addresses/location and for the following reasons:

Our address is 23 Dwight Road, Burlingame, CA. We often hear the train during the day and night. In fact, our 2-year old son will comment every time he hears it. With the proposed 200 trains a day, I am concerned how much the noise will impact our daily lives. I am from the East Coast and taken the Acela train between New York and Boston many times over the years, so I have first-hand knowledge as a passenger of a high-speed rail system. From what I know, the Acela train construction took advantage of the current Amtrak rails without disrupting the environment around it. While the convenience was wonderful, every time I took the train, which was never more than once a year, it was never full. If these trains weren't full, I can't imagine the LA to SF ones would be for a number of reasons. 1) New York and Boston have more common industries that would have a greater number of commuters—insurance, banking, technology to name a few (less few common industries between LA and SF). 2) both cities have a high number of people that either don't have cars or are very comfortable commuting due to subways and other community train systems in those two metro areas—not the case in LA and SF and 3) the final destination train stations (Penn Station in New York and South Station in Boston) are supported by bus, train, subway and taxis that can take commuters to their final destinations—to my knowledge LA and SF do not. In a nutshell, it is my opinion the noise level will outweigh the benefit of having a nice to have, not need to have high-speed rail system. I would hate to have our neighborhood upended and beauty of our downtown area tainted so half-empty trains can go up and down the coast 200 times a day.

I am also concerned about how the noise will impact the use of Washington Park. Many festivals, concerts, celebrations and camps are held here. The train would have serious impact on all of these. Washington Park is a destination for many residents across Burlingame and San Mateo.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

23 Dwight Road, Burlingame, CA

Washington Elementary School, 801 Howard Avenue, Burlingame, CA

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt my area's look and feel:

The Burlingame train station is a landmark of the city. This will greatly impact how our hustling and bustling downtown will look. Nevermind the events that happen at the train station. Traditions such as band concerts will have to be relocated.

Several street festivals that happen in downtown Burlingame and community events in Washington Park which is located on the other side of downtown will be impacted as well because the obstruction would divide the two. Attendance would suffer due to noise and the ability to see that there is something going on over the other side of the tracks. This passageway between the two is a heavy traffic area.

I am also concerned for the local businesses that attract visitors from other cities and towns from San Francisco to San Jose. If there is a large construction between the highway exits to downtown, the charm of the city is impacted.

Please explain how you concluded that the visual impact of HSR on our community will be "low."

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division at the following address:

23 Dwight Road, Burlingame, CA

Washington Elementary School, 801 Howard Avenue, Burlingame, CA

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

Our access to downtown Burlingame will be impacted as the HSR will impact our route.

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I have children who attend the following schools:

Washington Elementary, which is located two blocks from the tracks.

Comment Letter I333 - Continued

I have 2 students attend this school, which is in session from 8:30 a.m. - 3:00 p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at (address)

Washington Elementary School, Howard Street, Burlingame

Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should:

Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.

Overall, I like the idea of a high-speed rail system in California, but this approach is not the right way. In addition, the costs do not outweigh the benefits when our state already has so much debt. In the end, I think this is a "nice-to-have" not "need-to-have" project. I don't believe it will be heavily used by business commuters. Instead, it will be used for personal travel—which probably will not happen more than a couple times a year per capita at best.

Very truly yours,

Tara and Fred Klein

23 Dwight Road, Burlingame, CA
Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame

Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997
cbaylock@burlingame.org

State Assemblymember Jerry Hill,

Mail: 19th District, 1528 S. El Camino Real,
Suite 302, San Mateo, CA 94402
Fax: (650) 341-4676

Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee

Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402

Email to Dan Lieberman, District Representative for Millbrae and South, Dan. Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing

Mail: 160 Town & Country Village, Palo Alto, CA 94301

Fax: (650) 688-6370

Email: Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier

Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

E

mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger

Mail: State Capitol Building, Sacramento, CA 95814, Fax: 916-558-3160

U.S. Senator Barbara Boxer

Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111

FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein

Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA 94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing

Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

Response to Letter I333 (Tara and Fred Klein, April 2, 2010)

I333-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I333-2

Comment acknowledged. The HST stations are intended to be multi model stations that will provide the train rider access to connecting modes of transportation. See 2008 Final Program EIR, Chapter 2, discussing the objective of multi model hubs and the use of connectivity and accessibility to other modes as a screening tool for consideration of alternatives. See also Standard Response 4.

I333-3

See Standard Response 3.
More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs.

I333-4

The comment expresses an opinion about the tradeoffs of the benefits and impacts. Comment acknowledged.

I333-5

See the Response to Comment I333-3. The project-level noise analysis will include impacts at sensitive receivers, such as residences, schools, and parks.

I333-6

See Response to Comment I299-1.

I333-7

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST

trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

I333-8

See Response to Comment I004-3.

I333-9

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I333-10

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level

engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I333-11

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of

significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I333-12

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I333-13

See Response to Comment I292-8.

I333-14

See Response to Comment I028-10.

I333-15

See Standard Response 10 regarding alternatives.

I333-16

Comment acknowledged. See Chapter 1, Purpose and Need and Objectives, in the 2008 Final Program EIR. Also see Standard Response 4.

Comment Letter I334 (Paula Crosatto, April 26, 2010)

Kris Livingston

I334

From: Paula Crosatto [pcrosatto@mac.com]
Sent: Monday, April 26, 2010 10:05 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment
Attachments: High Speed Rail letters of protest.doc

Date: April 26, 2010

Sean Leavitt, California High Speed Rail Authority
 25 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at 1444 Bernal Avenue (my house), Lincoln Elementary and Burlingame High School (my kids' school and future school), and for the following reasons:

I334-1

I can already hear trains throughout the day. I can't even imagine what these trains will sound like. I will not want to be near Burlingame Avenue or on the other side near Washington Park with this kind of noise and immense detraction.

Please analyze and describe how noise levels will increase at these addresses.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

I334-2

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on

Comment Letter I334 - Continued

community cohesion for this address.

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt my area's look and feel:

ugh! It is an unacceptable solution.

lease explain how you concluded that the visual impact of HSR on our community will be "low."

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division at the following address:

We are regulars at Village Park and have friends that live in this neighborhood.

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. There is already enough congestion around Broadway and California. Don't make matters worse with this project.

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I have children who attend the following schools:

Lincoln Elementary
100+ students attend this school, which is in session from 8:30 a.m. – 3:00 p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I334-2
cont.

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

I334-7
cont.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at (address) Village Park and the preschool on-site. Please describe the effects and how you will mitigate them.

I334-8

I334-3

To avoid the problems indicated, you should:

Put the high speed train in a tunnel.

or,

Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.

I334-9

Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

I334-4

Audrea Crosatto, M.S., CCC
Speech and Language Pathologist
444 Bernal Avenue
Burlingame, CA 94010

I334-5

C:

Deborah Baylock, Mayor, City of Burlingame
Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997
dbaylock@burlingame.org

I334-6

State Assemblymember Jerry Hill,
Mail: 19th District, 1528 S. El Camino Real,
Suite 302, San Mateo, CA 94402
Fax: (650) 341-4676
Mail: Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

I334-7

State Senator Leland Yee
Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402
Mail to Dan Lieberman, District Representative for Millbrae and South, Dan. Lieberman@sen.ca.gov

State Senator Joe Simitjan, 11th District, Member, Budget subcommittee on Resources,

Comment Letter I334 - Continued

Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing
 Mail: 160 Town & Country Village, Palo Alto, CA 94301
 Fax: (650) 688-6370
 Mail: Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier
 Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

Mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger
 Mail: State Capitol Building, Sacramento, CA 95814, Fax: 916-558-3160
U.S. Senator Barbara Boxer

Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 40, San Francisco, CA 94111
 AX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein
 Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA 94104 Fax
 X: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing
 Mail to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

Response to Letter I334 (Paula Crosatto, April 26, 2010)

I334-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I334-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I334-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I334-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The

Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I334-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existing would improve circulation between neighborhood areas. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I334-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I334-7

See Response to Comment I292-8.

I334-8

See Response to Comment I028-10.

I334-9

See Standard Response 10 regarding alternatives.

Comment Letter I335 (Jennifer Slaboda, April 23, 2010)

I335

Kris Livingston

From: Jennifer Slaboda [jslaboda@yahoo.com]
Sent: Friday, April 23, 2010 9:47 AM
To: HSR Comments
Cc: cbaylock@burlingame.org; Syed Murtuza
Subject: San Francisco to San Jose Section Preliminary Alternatives Analysis Report Comments

April 23, 2010

Dan Leavitt, California High Speed Rail Authority

925 "L" Street, Suite 1425

Sacramento, CA 95814

Email: comments@hsr.ca.gov

Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before your deadline of April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame (subsection 3A-B).

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly, causing problems at the following addresses/locations for the following reasons:

- Medical offices, 1720 El Camino Real – this medical building includes pediatrics, obstetrics/gynecology, dialysis and elder care. The young, old, sick/injured and pregnant populations would be adversely effected by the noise and vibration.
- Papillon Preschool, 600 Peninsula Ave – this is a preschool near the tracks, with more than 100 children aged 3 months to 5 years. The children play outside on the playground and regularly take walks around the neighborhood adjacent to the tracks.
- Mills-Peninsula Health Services – this hospital and the surrounding health care offices on Trousdale Drive would not be healthy, safe environments for the sick or injured if they are subject to increased noise and vibrations.

I335-1

- Mills Estate residential homes – An increased decibel level would be disruptive not only to homes near the tracks, but to the neighborhoods in the hills as well. Because sound carries up into the hills where I live, I can hear freight trains in the middle of the night, which sometimes wake me and my children.

I335-1
cont.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe 4 more tracks if passing sidings are needed. This is a big change from the way it is now and would be like putting a freeway through the center of Burlingame. Further it would divide the high school from the residents on the other side of the tracks and divide the east and west side residences. To avoid this, I want HSR underground.

I335-2

Aerial tracks will be like putting a freeway where there used to be just 2 train tracks. Please describe how you decided that there will be NO impact on community cohesion for this section of the plan.

Although Caltrain already runs through our neighborhood, the proposed changes will be a huge change that will be harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. Also, my home's value is based largely on our beautiful bay view. Raised tracks through the area will greatly impact the aesthetics and therefore the value of my home. Please explain how you concluded that the visual impact of HSR on our community will be "low."

I335-3

Community residents and businesses will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property must be taken to run these temporary tracks. I am specifically worried about this division's impact on Burlingame's Auto Row on California Drive, Burlingame High School at I Mangini Way, and visitors' access from the hotels on Airport Blvd to downtown businesses and retail stores. HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I335-4

I335-5

I don't want trees cut down along the Caltrain right-of-way in Burlingame. Our city is known as the "City of Trees," which brings it charm and attraction to residents, visitors and potential residents, therefore increasing property values.

I335-6

I have children who attend Franklin Elementary School at 2385 Trousdale Drive. More than 500 students attend this school, which is in session from 8:30 a.m. – 3 p.m., with additional activities before and after these hours. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment. Please also ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I335-7

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people including those at Mills Estate Villa, 1733 California Drive and Village Park Preschool at 1535 California Drive. Please describe the effects and how you will mitigate them.

I335-8

Comment Letter I335 - Continued

To avoid the problems indicated, you should put the high speed train in a tunnel or covered trench, or consider building it elsewhere. | I335-9

Very truly yours,

Jennifer Slaboda

2704 Martinez Dr.

Burlingame, CA 94010

cc: Cathy Baylock, Mayor, City of Burlingame

cbaylock@burlingame.org

Assemblyman Jerry Hill

19th District, 1528 S. El Camino Real, Suite 302, San Mateo, CA 94402, Tel: (650) 349-1900, Fax: (650) 341-4676

Senator Leland Yee

District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402, (650) 340-8840

Senator Joe Simitian

11th District, 160 Town & Country Village, Palo Alto, CA 94301, Phone: (650) 688-6384, Fax: (650) 688-6370

Congresswoman Jackie Speier

12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

Response to Letter I335 (Jennifer Slaboda, April 23, 2010)

I335-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I335-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I335-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I335-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The

Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I335-5

See Response to Comment I306-8.

I335-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I335-7

See Response to Comment I292-8.

I335-8

See Response to Comment I028-10.

I335-9

See Standard Response 10 regarding alternatives.

Comment Letter I336 (Lesley A. Stolz, April 26, 2010)

I336

Kris Livingston

From: Lesley Stolz [lesstolz@yahoo.com]
Sent: Monday, April 26, 2010 9:37 AM
To: HSR Comments
Cc: cbaylock@burlingame.org; marc.hershman@asm.ca.gov; dan.lieberman@sen.ca.gov; senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; mark.pulido@sen.ca.gov
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment

Date: April 26, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

x I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following addresses/location and for the following reasons:

One Mangini Way, Burlingame, CA, 94010: Burlingame High School. The High School is directly across from the current CalTrain tracks as well as the sports fields. With so many trains a day, it will disrupt the students learning.

xHSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

xElevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address. This disruption here to the community that has excellent schools and is close to the city will be outrageous as well as the displacement of families.

x Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high

electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt my area's look and feel:
 Burlingame is a community whose shopping districts are centered around the CalTrain tracks as well as some of the major parks. It will completely ruin the community as it is currently envisioned.
 Please explain how you concluded that the visual impact of HSR on our community will be "low."

x HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

The comments above hold true; however, the major bus lines for hundreds of students to get to Burlingame Intermediate school run along the CalTrain tracks as well as hundreds of apartments where these students live.

x I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

xI have children who attend the following schools:

Burlingame Intermediate School, McKinley Elementary School, and by the time this really gets going, Burlingame High School. students attend this school, which is in session from 7:30 a.m. - 3:00 p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

x Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute \$12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

x Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

[Continued on next page]

To avoid the problems indicated, you should:

x Put the high speed train in a tunnel, or
 x Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems, or
 x Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

Lesley A. Stolz, Ph.D.
 1369 De Soto Ave
 Burlingame, California94010
 cc:
 Cathy Baylock, Mayor, City of Burlingame

Comment Letter I336 - Continued

Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997
cbaylock@burlingame.org

State Assemblymember Jerry Hill,
Mail: 19th District, 1528 S. El Camino Real,
Suite 302, San Mateo, CA94402
Fax: (650) 341-4676
Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee
Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402
Email to Dan Lieberman, District Representative for Millbrae and South, Dan.
Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources,
Environmental Protection, Energy and Transportation, Member, Committee on Transportation and
Housing
Mail: 160 Town & Country Village, Palo Alto, CA94301
Fax: (650) 688-6370
Email: Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto
and Sacramento)

Congresswoman Jackie Speier
Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402
E
mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger
Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160
U.S. Senator Barbara Boxer
Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street,
Ste 240, San Francisco, CA 94111
FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein
Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco,
CA94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources,
Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and
Housing
Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

Response to Letter I336 (Lesley A. Stolz, April 26, 2010)

I336-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I336-2

See Response to Comment I299-1.

I336-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort,

design variations may be applied to reduce some of the impacts to properties and visual impacts.

I336-4

See Response to Comment I306-8.

I336-5

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I336-6

See Response to Comment I292-8.

I336-7

See Standard Response 10 regarding alternatives.

Comment Letter I337 (David H. Harris, April 23, 2010)

Kris Livingston

I337

From: David Harris [davidharris1@earthlink.net]
Sent: Saturday, April 24, 2010 2:29 PM
To: HSR Comments
Cc: cbaylock@burlingame.org; marc.hershman@asm.ca.gov; dan.lieberman@sen.ca.gov; senator.simitian@sen.ca.gov; mark.pulido@sen.ca.gov
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Date: April 23, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to the High Speed Rail Authority's (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Below are my concerns:

1. I am concerned about noise and vibrations from high speed rail. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase a lot and cause problems at the following addresses/locations:

- A. My residence at 600 Howard Avenue, cross street Clarendon, in Burlingame, which is approximately four blocks from the Caltrain corridor.
- B. Washington Elementary School, at 801 Howard Avenue, approximately a block and a half from the Caltrain corridor, where my seven-year-old daughter is in first grade.

Please analyze and describe how noise levels will increase at these addresses.

2. HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe 4 more tracks if passing sidings are needed. This is a significant change from the way it is now and would be like putting a freeway through the center of Burlingame. Further, it would divide the high school from the residents on the other side of the tracks and divide the east and west side residences. To prevent this, I want HSR either underground in a tunnel, in a cut and cover trench, or another alternative to an above-grade viaduct or berm.

3. Above-grade tracks will be like putting a freeway where there used to be just 2 train tracks. Please describe how you decided that there will be NO impact on community cohesion for these addresses.

- A. All businesses along Caroline Avenue and California Avenue in Burlingame, as well as all businesses within three blocks of the Caltrain corridor, specifically those located on Burlingame Avenue and Broadway, including those with outdoor seating.
- B. My residence at 600 Howard Avenue
- C. Washington Elementary School, at 801 Howard Avenue, where my seven-year-old daughter attends school
- D. Burlingame High School
- E. Washington Park
- F. The Burlingame Recreation Center, 850 Burlingame Avenue

I337-2
cont.

4. Although Caltrain already runs through our neighborhood, the proposed changes will be a huge change that will be harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will be harmful to how our neighborhood looks and will dominate the landscape. Other ways this will hurt how make my area looks:

I337-3

- A. Business and residential property owners living along the expanded right of way will have less incentive to invest in the appearance and upkeep of these properties. This could cause a further decline in property values beyond those created by noise and visual impacts.

I337-4

Please explain how you concluded that the visual impact of HSR on our community will be "low."

I337-5

5. My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property must be taken to run these temporary tracks. I am specifically worried about this division at the following addresses:

- A. All businesses along Caroline Avenue and California Avenue in Burlingame, as well as all businesses within three blocks of the Caltrain corridor, specifically those located on Burlingame Avenue and Broadway, including those with outdoor seating.
- B. My residence at 600 Howard Avenue
- C. Washington Elementary School, at 801 Howard Avenue, where my seven-year-old daughter attends school
- D. Burlingame High School
- E. Washington Park
- F. Burlingame Recreation Center, 850 Burlingame Avenue

I337-6

6. HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. We frequently walk from our Howard Avenue residence to downtown. An elevated HSR will seriously erode the character and the quality of life of the entire area that we and our neighbors so highly value.

I337-7

7. I don't want trees cut down along the Caltrain right-of-way in Burlingame. The eucalyptus trees along the Caltrain corridor along California Avenue are a distinctive feature of our community and treasured by our residents. It would be a huge loss to the aesthetic character of Burlingame if these are cut down. One reason I feel strongly about this is because I grew up in a community in upstate New York where stands of sycamore and oak trees lined the main street. These were taken down as part of a federal highway improvement project. The town was never the same.

I337-8

8. I have one child who attend Washington Elementary School, at 801 Howard Avenue. Several hundred students attend this school.

I337-9

Comment Letter I337 - Continued

- A. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.
- B. Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.
- C. Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

I337-9
cont.

State Capitol Building, Sacramento, CA 95814, Fax: 916-558-3160

U.S. Senator Barbara Boxer

Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111

Fax: 202-224-0454

9. Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at:

- A. Washington Elementary School, 801 Howard Avenue
 B. Burlingame High School
 C. Washington Park
 D. Burlingame Recreation Center, 850 Burlingame Avenue

I337-10

Please describe the effects and how you will mitigate them.

10. To avoid the problems indicated above, you should undertake one of the following alternatives

- A. Put the high speed train in a tunnel, or
 B. Put the high speed train in a covered trench, or
 C. Route the high speed train next to highway 280, which would completely avoid the Caltrain corridor problems, or
 D. Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I337-11

Very truly yours,

David H. Harris
 600 Howard Avenue
 Burlingame, California 94010

cc:
 Cathy Baylock, Mayor, City of Burlingame
 cbaylock@burlingame.org

Assemblyman Jerry Hill
 19th District, 1528 S. El Camino Real, Suite 302, San Mateo, CA 94402, Tel: (650) 349-1900, Fax: (650) 341-4676

Senator Leland Yee
 District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402, (650) 340- 8840

Senator Joe Simitian
 11th District, 160 Town & Country Village, Palo Alto, CA 94301, Phone: (650) 688-6384, Fax: (650) 688-6370

Congresswoman Jackie Speier
 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

Governor Arnold Schwarzenegger

3

4

Response to Letter I337 (David H. Harris, April 23, 2010)

I337-1

See Response to Comment I031-2 regarding noise and vibration.

I337-2

See Response to Comment I299-1.

I337-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

I337-4

See Standard Response 6 regarding property values.

I337-5

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I337-6

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The

Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I337-7

See Response to Comment I002-3.

I337-8

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the

presence of the impact, the level of significance, and mitigation can only be done at the project level.

I337-9

See Response to Comment I292-8.

I337-10

See Response to Comment I028-10.

I337-11

See Standard Response 10 regarding alternatives.

Comment Letter I338 (Lauren Cony and David Hackos, April 25, 2010)

I338

Kris Livingston

From: Lauren Cony [lcony@gmail.com]
Sent: Monday, April 26, 2010 12:00 AM
To: HSR Comments
Cc: cbaylock@burlingame.org; Marc.Hershman@asm.ca.gov; Dan.Lieberman@sen.ca.gov; Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
Subject: Comments on the High Speed Rail

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I live in Burlingame, on the Peninsula between San Francisco and San Jose.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will have a negative impact on our home's property value, as we live only 4 blocks east of the tracks (less than .5 miles). Please analyze and describe how noise levels will increase at our address: 520 Howard Ave, Burlingame.

I request a specific analysis of how noise, vibrations, construction and train operations will affect both Washington Elementary School (801 Howard Ave) and Burlingame High School at 1 Mangini Way.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on the students, teachers and staff at the 2 nearby schools mentioned above, Washington Elementary and Burlingame High School.

Please describe the effects and how you will mitigate them:

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences.

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for our address.

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high

electrical poles and wires, will combine to harm how our neighborhood looks and will dominate the landscape. Every weekend, we walk past the charming Burlingame Train station to shop in downtown Burlingame. The HSR project will completely change the feel of a lovely small town community, and we will be near enough to this project to be exposed to all the noise and disturbances of the construction.

I338-5
cont.

We recently moved to Burlingame and paid top dollar for our home in order to be a good school district. We have sunk our life savings into our home - will there be any compensation for property owners whose home values will suffer? What about the negative impact this will have on tax revenue for the city of Burlingame due to lower property values? I am appalled that the HSR will run less than 3 short blocks - LESS THAN A QUARTER MILE - away from the elementary school our child will soon attend. I voted for the HSR project as I want to support public transportation; however, I was not aware that the HSR would go on the caltrain corridor, going 125 miles an hour through the densely populated towns on the peninsula. We live close to downtown San Mateo and frequently shop there too. Many businesses that add to San Mateo's charm such as restaurants, the movie theater and its courtyard, are located directly next to the tracks. The HSR will also negatively impact downtown San Mateo, as I can't imagine how they will survive should the HSR be built here! Please explain how you concluded that the visual impact of HSR on our community and neighboring communities will be "low." Although putting the tracks underground might solve some problems regarding noise, I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame. This will destroy a significant part of Burlingame's beauty, its trees.

I338-6

I338-7

I338-8

I338-9

To avoid the problems indicated, you should:

Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems, or stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I338-10

Very truly yours,
 Lauren Cony and David Hackos
 520 Howard Ave
 Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame
 Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997
cbaylock@burlingame.org

State Assemblymember Jerry Hill,
 Mail: 19th District, 1528 S. El Camino Real,
 Suite 302, San Mateo, CA94402
 Fax: (650) 341-4676
 Email: Marc.Hershman, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee
 Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402
 Email to Dan Lieberman, District Representative for Milbrae and South, Dan. Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing
 Mail: 160 Town & Country Village, Palo Alto, CA94301
 Fax: (650) 688-6370
 Email: Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier
 Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402
 E
 mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger
 Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160

U.S. Senator Barbara Boxer
 Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111
 FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein
 Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing

Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

2

Response to Letter I338 (Lauren Cony and David Hackos, April 25, 2010)

I338-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I338-2

See Response to Comment I292-8.

I338-3

See Response to Comment I028-10.

I338-4

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I338-5

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I338-6

See Standard Response 6 regarding property values.

I338-7

See Standard Response 6 regarding property values.

I338-8

The comment expresses concerns about impacts to San Mateo and other Peninsula cities. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I338-9

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor

will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I338-10

See Standard Response 10 regarding alternatives.

Comment Letter I339 (Sharers, April 11, 2010)

Kris Livingston

From: Bill Sharer [bsharer@wbsenterprises.com]
Sent: Sunday, April 11, 2010 11:26 AM
To: HSR Comments
Cc: bshoe@earthlink.net
Subject: dont railroad Burlingame
Attachments: Concerned about Neighborhood Impacts.doc

I339

740 Crossway Rd, Burlingame, Ca.,94010

Date 4-11-10

Dan Leavitt [Sent by Email: comments@hst.ca.gov (or) by FAX: 916-322-0827]
 California High-Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area.

I live in Burlingame, at the following address 740 Crossway
rd.

The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment would cause major and extremely significant impacts to me, my family, my neighborhood, and to the natural environment. I can assure you that I am a "neighborhood expert" with respect to the real impacts of the project you propose, which impacts have not been properly investigated and mitigated as the law requires.

I339-1

Here, specifically, are the impacts that I personally know will occur, unless an alternative route is chosen, or unless the project is modified in significant ways:

- INCREASED NOISE, DIRT & vibration impacts | I339-2
- LOWER PROPERTY VALUE | I339-3
- UNSIGHTLY | I339-4
- USE 880 CORRIDOR. BECAUSE MORE INDUSTRIAL | I339-5
- IMPROVE CA SCHOOLS FIRST | I339-6
- TAKING AWAY VEGETATION THAT REDUCES FREEWAY/TRAIN NOISE | I339-7

I believe the law requires the Authority to do a much better investigation and documentation of the impacts I have described above – and not only in my neighborhood, but in all similar neighborhoods along the alignment you are proposing. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

I339-8

I request you to revise the Draft EIR you have prepared, to address my concerns, and that you then recirculate such a Revised Draft EIR for further review and comment by the public. Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

I339-9

Yours truly, the Sharers

Response to Letter I339 (Sharers, April 11, 2010)**I339-1**

Comment acknowledged. The May 2008 Final Program EIR identified impacts along the Caltrain corridor and identified mitigation strategies to address the impacts. The current Revised Draft Program EIR discloses a higher level of land use impacts than previously anticipated. The Authority will consider adopting mitigation strategies to address significant impacts on the natural environment, communities, and neighborhoods when it makes a new decision. Comment about being a neighborhood or local expert is acknowledged.

I339-2

See Standard Responses 3 and 5.

More detailed information and analysis of noise, vibration, and air quality impacts and mitigation will be included in project-level EIR/EISs.

I339-3

See Standard Response 6 regarding property values.

I339-4

The visual assessment in the Program EIR considered that the distance measured between the canopy of the trees lining the right-of-way in Burlingame is between 75 and 85 feet. This distance was compared to the width of the Caltrain right-of-way south of SR 84, Woodside Road, in Redwood City, where there are already four tracks for Caltrain. The total width of the right-of-way in that section is about 77 feet, as measured from an aerial photo. This led to the determination that four tracks could be accommodated without removal of the existing trees.

The ability to add the two tracks to the existing Caltrain alignment and design a grade separation that did not visually dominate the existing Burlingame station led to the visual impact ranking in the EIR. From downtown, the station will remain the dominant feature at

the foot of Burlingame Avenue. The eucalyptus will remain the dominant visual item along California Drive and Carolan Avenue. Alternative configurations will be analyzed as part of the project-level EIR/EIS, including underground options.

I339-5

The August 2001 California HST Program EIR/EIS Task 2.3.1R Bay Area to Merced Corridor High Speed Train Alignments/Stations Screening Evaluation analyzed an alignment from San Jose to Oakland using I-880. Station options included Mowry Avenue (Fremont), I-880/Hegenberger and three Oakland terminal locations, Lake Merritt BART, West Oakland BART, or 12th Street/City Center BART.

Analysis found that:

- The I-880 (Entire Segment) Alignment would require significant right-of-way in the more northern area to be able to expand the highway sufficiently to allow for high-speed tracks in the median.
- The I-880 Alignment aerial configuration is similar to the Mulford Alignment. It would require construction of footings within the highway right-of-way and lane closures during construction. This likely would result in off-peak construction. As the highway narrows, requiring full median widening, construction issues would be similar to major highway reconstruction – demolition of existing adjacent property, new noise walls, demolition of existing noise walls, construction of new highway lanes, and maintenance of traffic.
- Both the Mowry and Hegenberger stations would need to be constructed above an active freeway and neither would provide a direct connection with an existing rail service.

The I-880 alignment alternative was dropped from further analysis.

Please also note that the lack of a quick connection from HST to SFO would eliminate the ability to easily utilize the HST to connect to flights, abandoning the opportunity to scale back the short and

expensive connecting flights from locations like Fresno. A BART trip from Oakland 12th Street to SFO takes 45 minutes.

I339-6

Comment acknowledged.

I339-7

See the Response to Comment I339-2. The project-level noise impact will consider any removal of vegetation that would be required for the construction of HST and the resulting influence on noise levels.

I339-8

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

I339-9

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

Comment Letter I340 (Irina Shevel'yov, April 25, 2010)

I340

Kris Livingston

From: Irina Shevel'yov [irinaquest@hotmail.com]
Sent: Monday, April 26, 2010 11:06 AM
To: HSR Comments
Cc: assemblymember.hill@assembly.ca.gov; assemblymember.ruskin@assembly.ca.gov; senator.yee@sen.ca.gov; senator.simital@sen.ca.gov; cbaylock@burlingame.org; tnagel@burlingame.org; akeighran@burlingame.org; mbrownrigg@burlingame.org; jdeal@burlingame.org
Subject: Burlingame Resident at 1204 Edgehill Drive: Bay Area to Central Valley Revised Draft Program EIR Material Comments

April 25, 2010

Dan Leavitt, California High Speed Rail Authority

925 "L" Street, Suite 1425

Sacramento, CA 95814

Email: comments@hsr.ca.gov

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase a lot and cause problems at the following addresses/location and for the following reasons:

I live on Bayswater and can see the tracks

The existing train makes a great deal of noise already

Please analyze and describe how noise levels will increase at these addresses.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe 4 more tracks if passing sidings are needed. This is a big change from the way it is now and would be like putting a freeway through the center of Burlingame. Further it would divide the high school from the residents on the other side of the tracks and divide the east and west side residences. To avoid this, I want HSR underground the tracks.

Aerial tracks will be like putting a freeway where there used to be just 2 train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address. | I340-2 cont.

Although Caltrain already runs through our neighborhood, the proposed changes will be a huge change that will be harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will be harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt how make my area looks: | I340-3

Reduce the value of our property | I340-4

Deteriorate our standard of living | I340-4

Begin to deter new high income residence and existing high income residence from living and paying taxes in the city of Burlingame | I340-5

Please explain how you concluded that the visual impact of HSR on our community will be "low." | I340-5

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property must be taken to run these temporary tracks. I am specifically worried about this division at the following address: | I340-6

600 Bayswater Ave, Burlingame

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks as it will split our city in two. | I340-7

I don't want trees cut down along the Caltrain right-of-way in Burlingame. | I340-8

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom. | I340-9

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities. | I340-10

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at (address) at 600 Bayswater Ave Burlingame. | I340-10

Please describe the effects and how you will mitigate them. | I340-11

To avoid the problems indicated, you should consider alternative routes to the present Caltrain corridor and methods of construction that will not have such devastating impacts on my community. | I340-11

Best wishes,

Comment Letter I340 - Continued

Irina Shevelov

1204 Edgehill Drive

Burlingame, CA, 94010

Hotmail is redefining busy with tools for the New Busy. Get more from your inbox. [See how.](#)

Response to Letter I340 (Irina_Shevelyov, April 25, 2010)

I340-1

See Response to Comment I031-2 regarding noise and vibration.

I340-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I340-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

I340-4

See Standard Response 6 regarding property values.

I340-5

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I340-6

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR. More detailed impact analyses related to HST system construction including trackway, stations, maintenance facilities, transmission lines, staging areas, and other project elements will be performed during the project-level EIR/EIS analysis, when more detailed design, location, and phasing/duration information will be available for the selected HST alignment. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses. See Also Response to Comment L003-108.

I340-7

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I340-8

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of

project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I340-9

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. Site specific noise analysis, including a detailed evaluation of impacts to sensitive receptors such as schools, will be part of subsequent project-level EIR/EISs. The Authority will consider the comment as part of the project-level EIR/EIS processes. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I340-10

See Response to Comment I028-10.

I340-11

See Standard Response 10 regarding route alternatives.

Comment Letter I341 (Laura Hesselgren, April 26, 2010)

I341

Kris Livingston

From: Laura Hesselgren [laura@deerfieldrealty.net]
Sent: Monday, April 26, 2010 3:07 PM
To: HSR Comments
Cc: Assemblymember.Hill@assembly.ca.gov; assemblymember.ruskin@assembly.ca.gov; Senator.lee@sen.ca.gov; senator.similtian@sen.ca.gov; COUNCIL-Baylock, Cathy; COUNCIL-Keighran, Ann; mbrownrigg@burlingame.org; COUNCIL-Deal, Jerry; dontrailroadus@yahoo.com
Subject: FW: High speed rail.
Attachments: 20100426135900024.pdf

Laura Hesselgren
 Deerfield Realty Corp.
 3715 Haven Ave., Suite 210
 Menlo Park, CA 94025
 650-298-0080
 650-298-0050-fax

-----Original Message-----

From: TJ Bianchi
Sent: Monday, April 26, 2010 3:02 PM
To: Laura Hesselgren
Subject:

This E-mail was sent from "RNP8B2EBB" (LD118).

Scan Date: 04.26.2010 13:58:59 (-0800)
 Queries to: tj@deerfieldrealty.net

April 26, 2010

Mr. Dan Leavitt
 California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 94814

Email: comments@hsr.ca.gov

FAX: (916) 322-0827

RE: Bay Area to Central Valley Revised Draft Program EIR material Comments

Dear Mr. Leavitt,

I am writing before or on April 26, 2010 to officially submit my comments to HSRA. March 4, 2010 Revised Draft program EIR. I am a home owner and reside in Burlingame, CA.

I am very concerned about this HSRA for many reasons. My first concern is that it will divide my town in two with a huge concrete wall with high electrical poles and wires to accommodate four tracks. It will add at least two tracks to the existing rail lines which will be like putting a freeway through our town. It divides my section of town from the downtown area as well as divides the town to the High School and the Park and Rec. Department. I live at 416 Dayswater Ave. and to look down my street now, I look at the hills. If the HSRA gets it way, I will be looking at brick blocks, electrical wires and empty trains running through town every 6 minutes, blocking my view of the hills. My side of town will be then known as EAST Burlingame and my property values will decrease significantly.

I341-1

I am unsure how you feel that there will be no impact on my community. There will be a tremendous impact on my community and on my property values. I am also concerned about the vibrations from the trains and the noise. Once you raise the track up, the noise will be sent throughout lower Burlingame and with trains running every six minutes, no one will be able to open their windows at night as the noise will be at levels that will make sleeping impossible.

I341-2

I341-3

The Town of Burlingame is known for its trees and you will need to wipe out all the trees along the tracks for this project. The trees have been a wind block for the lower part of town and will now not be there to block the wind. It will harm our quality of life and again, destroy the East side of Burlingame.

I341-4

I am also concerned about the cost of this project. I feel that it will not pay for itself and that the citizens of California will be subsidizing this project for years and years to come. Do you really think that during this time of economic crisis, we should be taking on a project of this magnitude? Does anything that the State or Federal Government run really pay for itself? Look at Bart, the Post Office, Cal Train, Cal Tran and I can go on and on and on. None of them pay for themselves and the costs of these existing programs continue to rise to a levels that cannot be maintained.

I341-5

Please reconsider building this boondoggle of a project. It is not needed and not necessary and is a waste of tax payer dollars!

I341-6

Sincerely,
 Laura Hesselgren
 416 Bayswater Ave.
 Burlingame, CA



Comment Letter I341 - Continued

cc: Cathy Baylock, Mayor, City of Burlingame
cbaylock@burlingame.org
Assemblyman Jerry Hill
19th District, 1528 S. El Camino Real, Suite 302, San Mateo, CA 94402, Tel: (650) 349-1900,
Fax: (650) 341-4676
Senator Leland Yee
District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402, (650) 340-8840
Senator Joe Similtian
11th District, 160 Town & Country Village, Palo Alto, CA 94301, Phone: (650) 688-6384, Fax:
(650) 688-6370
Congresswoman Jackie Speier
12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

Response to Letter I341 (Laura Hesselgren, April 26, 2010)

I341-1

The commenter states that the HST should be put in a tunnel to avoid dividing neighborhoods and causing impacts. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3.

Visual impacts would vary with location. The 2008 Final Program EIR shows HST as being on retained fill, with a grade separation at Bayswater Avenue. The Final Program EIR visual simulation of the HST at the Burlingame Caltrain station depicted a grade separation that raised the railway partially and depressed North Lane partially. This would place HST at approximately 10-12 feet above the existing grade as it passes through this part of Burlingame. This would be barely perceptible from five blocks away, approximately the location of your residence. As a viewer got closer, the grade separation would block more of the view, but in context, the existing historic depot building blocks the view of the hills from Burlingame Avenue.

I341-2

See Standard Response 6 regarding property values.

I341-3

See Standard Response 3.

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs.

I341-4

The visual assessment in the Program EIR considered that the distance measured between the canopy of the trees lining the right-of-way in Burlingame is between 75 and 85 feet. This distance was compared to the width of the Caltrain right-of-way south of SR 84, Woodside Road, in Redwood City, where there are already four tracks for Caltrain. The total width of the right-of-way in that section is about 77 feet, as measured from an aerial photo. This led to the determination that four tracks could be accommodated without removal of the existing trees.

The ability to add the two tracks to the existing Caltrain alignment and design a grade separation that did not visually dominate the existing Burlingame station led to the visual impact ranking in the EIR. From downtown, the station will remain the dominant feature at the foot of Burlingame Avenue. The eucalyptus will remain the dominant visual item along California Drive and Carolan Avenue. Alternative configurations are now under study as part of the project-level EIR/EIS, including underground options.

I341-5

Comments acknowledged. Please see Standard Response 8 for information on the Business Plan regarding funding. Over 45 years in many countries around the world, HST has repeatedly proven its ability to cover its operating costs and return a profit.

I341-6

This is not a comment on the 2010 Revised Draft Program EIR Material. The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. The purpose of the project was not one of those topics. See Chapter 1, Purpose and Need and Objectives, in the 2008 Final Program EIR.

Comment Letter I342 (Sonya Hong, April 27, 2010)

Kris Livingston

From: Sonya Cho Hong [postmaster@butterflycakes.com]
Sent: Tuesday, April 27, 2010 1:19 PM
To: HSR Comments
Subject: HRS Issue

Sonya Hong
 216 California Drive
 Burlingame, CA 94010

Date: April 27, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and business owner of Burlingame.

Here are my concerns:

- I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems for all those living and/or working in the vicinity of the trains. I personally have my business located at 216 California Drive and the rear of my building faces the train tracks.

To have the frequency and number of trains going as fast as 125 mph would be a nuisance to all those living around the area and will degrade the character of Burlingame and its small town charm.

- HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

"Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks.

People pick Burlingame as a place to settle down and live because of its small town charm and community feeling. It is the ONLY city on the Peninsula that doesn't have a multi (3 or more) lane section of El Camino Real. That is a very special characteristic for Burlingame. If the HSR tracks were installed, Burlingame would no longer be the only city on the Peninsula without a busy highway like road, because the HSR will in effect operate as a highway.

- ~ Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

- ~ Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

- ~ Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at my place of business, 216 California Drive.

I342

To avoid the problems indicated, you should:

- ~ Put the high speed train in a tunnel.
- ~ Put the high speed train in a covered trench.
- ~ Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
- ~ Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I342-6

Very truly yours,

Sonya Hong
 216 California Drive, Burlingame, CA 94010

Sonya Cho Hong
 Butterfly Cakes
 Extraordinary Wedding & Celebration Cakes
 (650) 344-6100 (studio)
 Website: www.butterflycakes.com
 Blog: www.butterflycakesca.blogspot.com

Winner of Brides' Choice Award WeddingWire 2010
 Voted Best Cake Maker by the Knot 2009

I342-1

I342-2

I342-3

I342-4

I342-5

2

Response to Letter I342 (Sonya Hong, April 27, 2010)

I342-1

See Response to Comment I002-2.

I342-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I342-3

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. This resulted in a finding of no community cohesion impacts at the program level. In addition, construction of grade separations where none previously existing would improve circulation between neighborhood areas. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been

carried forward into the project level alternatives screening. See also Standard Response 6.

I342-4

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. Site specific noise analysis, including a detailed evaluation of impacts to sensitive receptors such as schools, will be part of subsequent project-level EIR/EISs. The Authority will consider the comment as part of the project-level EIR/EIS processes. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I342-5

See Response to Comment I028-10.

I342-6

See Standard Response 10 regarding alternatives.

Comment Letter I343 (Stephen Hamilton, April 24, 2010)

April 24, 2010

Dan Leavitt,
California High Speed Rail Authority
925 "L" Street, Suite 1425
Sacramento, CA 95814

re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a Burlingame resident and business owner on the Peninsula between San Francisco to San Jose.

I am worried about noise and vibrations. With the proposed 200 trains a day schedule and the expected 93 dBA noise levels for steel on steel wheels at 125 mph, the noise pollution caused by HSR & Caltrain will increase significantly and cause problems in our main commercial shopping areas of Burlingame Avenue & Broadway. Our town offers residents & visitors alike a pleasant and enjoyable place to shop, eat & walk. High Speed Rail will change this dramatically. The significant increase in noise, and the bow wave of air from 200 trains an hour will dramatically alter the ambience of the downtown areas. Additionally many automotive and other commercial establishments and transit oriented housing benefit from the current proximity to the rail corridor. Increased noise and vibration will make these properties significantly less desirable and useful.

Please analyze and describe how noise levels will increase in the 800 - 1300 blocks of Burlingame Avenue and Howard Avenue, as well as the residences one block on either side of the California Drive and Carolands Avenue.

I am worried that HSR will divide Burlingame. Although Caltrain has run through our city for the past 150 years the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, running trains every 5 minutes, adding high electrical poles and wires, will harm how our community and will dominate the landscape.

If tracks are elevated, this will represent a significant change from the alignment and would be similar to putting an elevated freeway through the center of Burlingame dividing the east side high school, recreation facilities & residences from the residents on the west side of the tracks and divide our west side downtown businesses & residences from east side residents.

Please describe how you decided that there will be NO impact on community cohesion for Burlingame.

Burlingame, its residents & businesses will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division south of Burlingame Avenue to Peninsula Avenue.

I343

APR 26 2010

Comments on Revised Draft Program Level EIR

Our historic Jules Franckard Eucalyptus Grove represents a signature element of our town and add significantly to its desirability as a prosperous suburb. Cutting these trees down along the Caltrain right-of-way in Burlingame to accommodate HSR & Caltrain will irreparably harm the aesthetic of our community.

Please explain how you concluded that the visual impact of HSR on our community will be "low."

Sincerely,

STEPHEN HAMILTON
105 CRESCENT AVENUE,
BURLINGAME CA 94010

cc: City Council, City of Burlingame

California State Assembly member Jerry Hill,

California State Senator Leland Yee

California State Senator Joe Simitian

California State Senator Alan Lowenthal

Governor Arnold Schwarzenegger

US Congresswoman Jackie Speier

U.S. Senator Barbara Boxer

U.S. Senator Diane Feinstein

I343-4

I343-5

I343-1

I343-2

I343-3

Response to Letter I343 (Stephen Hamilton, April 24, 2010)

I343-1

See Response to Comment I031-2 regarding noise and vibration.

I343-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I343-3

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to

minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I343-4

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I343-5

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way

acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

Comment Letter I344 (Melinda Saunders, April 26, 2010)

I344

Kris Livingston

From: Melinda Saunders [saundersmelinda@gmail.com]
Sent: Tuesday, April 27, 2010 4:49 PM
To: HSR Comments
Cc: cbaylock@burlingame.org; marc.hershman@asm.ca.gov; lieberman@sen.ca.gov; senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; mark.pulido@sen.ca.gov
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Date: April 26, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

"I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following addresses/location and for the following reasons:

1153 Cambridge Road, Burlingame, CA 94010
 It will disrupt our quality of life for our family.

Please analyze and describe how noise levels will increase at these addresses.

"HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

"Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.
 1153 Cambridge Road, Burlingame CA 94010

"Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction,

plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt my area's look and feel: This will reduce our property value significantly.

Please explain how you concluded that the visual impact of HSR on our community will be "low."

"My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division at the following address:

1153 Cambridge Road, Burlingame, CA 94010

"HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

"I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

"I have children who attend the following schools:

Lincoln Elementary School, Burlingame
 United Methodist Church Co-op Nursery School, Burlingame
 These schools are in session from 8:30 a.m. – 3:00 p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

"Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

"Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

"Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at (address) 1153 Cambridge Road, Burlingame CA 94010

Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should:

- "Put the high speed train in a tunnel.
- "Put the high speed train in a covered trench.
- "Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
- "Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

Melinda Saunders
 1153 Cambridge Road
 Burlingame, California 94010

cc:

I344-3
cont.

I344-4

I344-5

I344-6

I344-7

I344-8

I344-9

I344-1

I344-2

I344-3

Comment Letter I344 - Continued

Cathy Baylock, Mayor, City of Burlingame
Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997
cbaylock@burlingame.org

State Assemblymember Jerry Hill, Mail: 19th District, 1528 S. El Camino Real,
Suite 302, San Mateo, CA94402
Fax: (650) 341-4676
Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee
Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402
Email to Dan Lieberman, District Representative for Millbrae and South, Dan. Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental
Protection, Energy and Transportation, Member, Committee on Transportation and Housing
Mail: 160 Town & Country Village, Palo Alto, CA94301
Fax: (650) 688-6370
[Email:Senator.simitian@sen.ca.gov](mailto:Senator.simitian@sen.ca.gov) (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier
Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402
E
mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold SchwarzeneggerMail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160
U.S. Senator Barbara Boxer
Mail Att: Hilary Pearson, Field Representative for San Mateo County,1700 Montgomery Street, Ste 240, San
Francisco, CA 94111
FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein
Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to: (415)
393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental
Protection, Energy and Transportation, Chair, Committee on Transportation and Housing
Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

Response to Letter I344 (Melinda Saunders, April 26, 2010)**I344-1**

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I344-2

See Response to Comment I299-1.

I344-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I344-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as

requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I344-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I344-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I344-7

See Response to Comment I292-8.

I344-8

See Response to Comment I028-10.

I344-9

See Standard Response 10 regarding alternatives.

Comment Letter I345 (Katie Treu, April 25, 2010)

Kris Livingston

I345

1

From: kctreu@aol.com
Sent: Monday, April 26, 2010 10:07 AM
To: HSR Comments; cbaylock@burlingame.org; assemblymember.hill@assembly.ca.gov; senator.yee@sen.ca.gov; senator.simalal@sen.ca.gov
Cc: kctreu@aol.com
Subject: letter to Dan Leavitt, CHSRA
Attachments: Program_Level_EIR_comment_sheet__2010_04_12_Burlingame_(2)[1].doc

Attached is my letter of concern regarded the proposed High Speed Rail going through the Peninsula.

Katie Treu
 745 Neuchatel Ave.
 Burlingame Ca. 94010
 e-mail: kctreu@aol.com

-Date: April 25th, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase a lot and cause problems at the following addresses/location and for the following reasons:

My windows on Neuchatel and the surrounding areas will be rattling extensively and over time this added vibration could cause structural problems on my house and the houses of my neighbors. I have lived at my current address over **40 years, live on social security** and would not have the means to get repairs done. Nor do I feel that this should be my burden to bear.
 The increased noise with all those trains would make living here unbearable. I love my neighborhood and would hate to see it and many other surrounding neighborhoods ruined by high speed train that will only cause ugliness in our neighborhoods and additionally will ruin my wonderful town.

I345-1

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe 4 more tracks if passing sidings are needed. This is a big change from the way it is now and would be like putting a freeway through the center of Burlingame. **Further it would divide the high school from the residents on the other side of the tracks and divide the east and west side residences. To avoid this, I want HSR underground the tracks.**

I345-2

Aerial tracks will be like putting a freeway where there used to be just 2 train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.
All you want to do is build this High Speed Rail with little or no real concern for us residents.
The Stimulus Money and your Prestige is more important to all of us than the welfare of the residents along the route of this train system. This entire project should be stopped and its value to California reevaluated. Does this really still make sense in today's economic and environmental climate?

I345-3

Although Caltrain already runs through our neighborhood, the proposed changes will be a huge change that will be harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will be harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt how make my area looks:

I345-4

It will divide Burlingame's quaint and wonderful neighborhoods and will be totally unsightly and utterly ugly and our home values will decline as well for those of us who live near the proposed tracks as I do.

1

Comment Letter I345 - Continued

2

3

Please explain how you concluded that the visual impact of HSR on our community will be "low."

I345-4
cont.

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property must be taken to run these temporary tracks. I am specifically worried about this division at the following address:

I345-5

California Drive, Palm Drive, Willborough, Neuchatel Ave., Crossway Oak Grove etc. etc.

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. I take my granddaughter to Washington Park and I myself take classes at the Rec. Department at Washington Park and I run on the track at the High school. The divided tracks would make those experiences unpleasant and inconvenient...

I345-6

I don't want trees cut down along the Caltrain right-of-way in Burlingame.

I345-7

I have children who attend the following schools:

My granddaughter will be going to Burlingame High School in the future and do not want her to experience a divided Burlingame.
I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

☐ Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I345-8

☐ Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

☐ Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at California Drive, Palm Drive, Willborough, Oak Grove Crossway, Neuchatel to name but a few.

I345-9

Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should consider alternative routes to the present Caltrain corridor and methods of construction that will not have such devastating impacts on my community.

I345-10

Very truly yours,

Katie Treu
745 Neuchatel Ave.
Burlingame, Ca. 94010

cc: Cathy Baylock, Mayor, City of Burlingame
cbaylock@burlingame.org

Assemblyman Jerry Hill
19th District, 1528 S. El Camino Real, Suite 302, San Mateo, CA 94402, and Tel: (650) 349-1900, Fax: (650) 341-4676

Senator Leland Yee
District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402, (650) 340-8840

Senator Joe Simitian
11th District, 160 Town & Country Village, Palo Alto, CA 94301, Phone: (650) 688-6384, Fax: (650) 688-6370

Congresswoman Jackie Speier
12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

Response to Letter I345 (Katie Treu, April 25, 2010)

I345-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I345-2

See Response to Comment I299-1.

I345-3

This comment expresses an opinion about the Authority and whether or not the project should move forward, but does not address any environmental issues. Comment acknowledged.

I345-4

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort,

design variations may be applied to reduce some of the impacts to properties and visual impacts.

I345-5

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to

encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I345-6

See Response to Comment I306-8.

I345-7

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I345-8

See Response to Comment I292-8.

I345-9

See Response to Comment I028-10.

I345-10

See Standard Response 10 regarding route alternatives.

Comment Letter I346 (Lisa Happich, April 26, 2010)

I346

Kris Livingston

From: Lisa and Stan [hapvist@gmail.com]
Sent: Monday, April 26, 2010 1:23 AM
To: HSR Comments
Cc: cbaylock@burlingame.org
Subject: Bay Area to Central valley Revised Draft Program EIR Material Comments- Burlingame Resident

Dear Mr. Leavitt:

I am writing to officially submit my comments to the High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR. I am a teacher and resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

1. Town Division

In the 18 years that I have lived in Burlingame it has been a town undivided. HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe 4 more tracks if passing sidings are needed. I am concerned about the lack of connectivity between my neighbor hood, near Washington Park, and the rest of town, that would arise as a result of HSR. I am also concerned about the same issue between Burlingame High School and Burlingame Ave. Because of the pleasurable walk and easy access, I currently walk from my home on Arundel Road, to destinations on the other side of the tracks, such as, the Farmer's Market, the grocery store, and St. Catherine's church, just to name a few. Access to Burlingame Ave. is an important social activity for many students attending Burlingame High School. My teenage daughters often meet up with friends after school on the avenue to have something to eat, go shopping or just sit and talk.

This ability to traverse our town in an enjoyable atmosphere is essential to the quality of life in Burlingame. For myself in particular, it also allows me to leave my car behind and travel in an environmentally friendly way.

To avoid this division, I would like HSR to underground the tracks.

Please describe how you decided that there will be no impact on community cohesion.

2. Educational Environment

Being a teacher in Burlingame, I am concerned with fair and equal learning environments for all of our students. I would like to see a specific analysis of how noise, vibrations, construction and train operations will impact the students of Washington School and McKinley School. These impacts should comply with the American National Standards Institute S12.60 Classroom Acoustics Standard. An acoustical consultant should be hired to ensure that noise levels do not exceed appropriate limits in an empty classroom.

3. Public Health

I am very concerned about the health effects of electromagnetic fields on people residing near the tracks. Powerful new electric poles and wires will be needed to run the high speed rail trains. Not being an expert, I am not sure how far the fields would extend into our neighborhood. I would like to know exactly how you are going to determine what these effects would be, including the distance the field will effect, and what mitigations, if any, are possible.

4. Living Environment

I am concerned about noise and vibrations. I reside at 24 Arundel Road, I am worried about the noise and vibrations at my residence in particular. I would like to have an analysis and description of what the noise levels will be like at my address including an understanding of the relative increase or decrease compared to present levels.

5. Physical Environment

I am very concerned with the impact this project will have on the physical environment, and specifically the negative aesthetic changes bring about throughout Burlingame. Caltrain obviously already runs through town and through my neighborhood. The proposed changes will drastically change the look of our town for generations to come. Added tracks, potential aerial tracks similar to an overhead freeway, high electric poles and wires, all of these additions will dominate the landscape in negative ways.

I would like an explanation, from you, in order to understand how the conclusion was made that the visual impact of HSR on our community would be low.

To avoid the concerns stated above, which I believe are not unique to myself, please consider alternative routes to the present Caltrain corridor and methods of construction that will not have such devastating and long lasting impacts on my community.

Done well, HSR, will be something that generations to come will be proud of. Completed simply in the cheapest fashion, the negative impacts that it will render will leave generations to come questioning the motivation of those who pushed it through.

Quality of life in terms of the environment is not measured solely by data run through equations, generating numbers for all of the various charts depicting the benefits of this project. Quality of life for the thousands of citizens who live along the entire corridor cannot be relayed in this way, but should be sought out and considered with equal merit.

Sincerely,

Lisa Happich
 24 Arundel Rd.
 Burlingame, California 94010

Response to Letter I346 (Lisa Happich, April 26, 2010)

I346-1

See Response to Comment I299-1.

I346-2

Site specific noise/vibration, construction, and train operational impacts on sensitive receptors such as schools, will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes. See also Standard Response 5.

I346-3

See Response to Comment I028-10.

I346-4

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I346-5

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the

May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I346-6

See Standard Response 10 regarding route alternatives.

I346-7

This comment urges the Authority to make sure HSR is done right and is something to be proud of. Comment acknowledged. The comment also expresses concerns about quality of life issues. See Standard Response 6 regarding the requirements of CEQA and quality of life impacts.

Comment Letter I347 (Ursula and Kevin Morgenstern, April 25, 2010)

I347

Kris Livingston

From: Burlingame UMC Office [info@burlumc.org]
Sent: Monday, April 26, 2010 9:12 AM
To: HSR Comments
Cc: cbaylock@burlingame.org; Marc.Hershman@asm.ca.gov; Lieberman@sen.ca.gov; Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
Subject: Include this subject line: Bay Area to Central Valley Revised Draft Program EIR Material Comment
Attachments: HSR.docx

Ursula & Kevin Morgenstern
409 Howard Avenue
Burlingame, CA 94010
650.703.1311

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this

address.

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. It will bring down the value of homes and will no longer be known for its bedroom community appeal.

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division in my neighborhood between Oak Grove and Bayswater Avenue.

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I have children who have attended Washington School and BHS and hope to see our grandchildren attending these schools.

I have many neighbors whose students currently attend Washington School, which is in session from 8am – 3 p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment. Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom. Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people in the community especially my address of 409 Howard Avenue, Burlingame, CA 94010.

Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should:

1. Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems or
2. Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

Ursula & Kevin Morgenstern
 409 Howard Avenue

I347-2
cont

I347-3

I347-4

I347-5

I347-6

I347-7

I347-8

I347-9

I347-1

I347-2

Comment Letter I347 - Continued

Burlingame, California 94010

cc: Cathy Baylock, Mayor, City of Burlingame
State Assemblymember Jerry Hill,
State Senator Leland Yee
State Senator Joe Simitian
Congresswoman Jackie Speier
Governor Arnold Schwarzenegger
U.S. Senator Barbara Boxer
U.S. Senator Diane Feinstein
State Senator Alan Lowenthal

Response to Letter I347 (Ursula and Kevin Morgenstern, April 25, 2010)

I347-1

See Response to Comment I031-2 regarding noise and vibration.

I347-2

See Response to Comment I299-1.

I347-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I347-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not

one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I347-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I347-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I347-7

See Response to Comment I292-8.

I347-8

See Response to Comment I028-10.

I347-9

See Standard Response 10 regarding alternatives.

Comment Letter I348 (Lynn Hawthorne and Shane Spiegelman, April 24, 2010)

I348

1

Date: April 24, 2010

Dan Leavitt, California High Speed Rail Authority
925 "L" Street, Suite 1425
Sacramento, CA 95814
Email: comments@hsr.ca.gov
Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase a lot and cause problems at the following addresses/location and for the following reasons:

924 Oak Grove Avenue, Burlingame

Please analyze and describe how noise levels will increase at these addresses.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe 4 more tracks if passing sidings are needed. This is a big change from the way it is now and would be like putting a freeway through the center of Burlingame. Further it would divide the high school from the residents on the other side of the tracks and divide the east and west side residences. To avoid this, I want HSR underground the tracks.

Aerial tracks will be like putting a freeway where there used to be just 2 train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

Although Caltrain already runs through our neighborhood, the proposed changes will be a huge change that will be harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will be harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt how make my area looks:

2

Please explain how you concluded that the visual impact of HSR on our community will be "low."

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property must be taken to run these temporary tracks. I am specifically worried about this division at the following address:

924 Oak Grove Avenue, Burlingame

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I don't want trees cut down along the Caltrain right-of-way in Burlingame.

I have children who attend the following schools:

BIS, BHS

(number) students attend this school, which is in session from 8 a.m. - 3 p.m. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at (address) 924 Oak Grove Avenue, Burlingame

Please describe the effects and how you will mitigate them.

[Continued on next page]

Comment Letter I348 - Continued

3

To avoid the problems indicated, you should consider alternative routes to the present Caltrain corridor and methods of construction that will not have such devastating impacts on my community.

I348-9

Very truly yours,

Lynn H. Southorne & Shane Spiegelman
PRINT NAME
924 Oak Grove Avenue, Burlingame
PRINT STREET ADDRESS
 Burlingame, California 94010

cc: Cathy Baylock, Mayor, City of Burlingame

cbaylock@burlingame.org

Assemblyman Jerry Hill

19th District, 1528 S. El Camino Real, Suite 302, San Mateo, CA 94402, Tel: (650) 349-1900, Fax: (650) 341-4676

Senator Leland Yee

District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402, (650) 340-8840

Senator Joe Simitian

11th District, 160 Town & Country Village, Palo Alto, CA 94301, Phone: (650) 688-6384, Fax: (650) 688-6370

Congresswoman Jackie Speier

12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

Response to Letter I348 (Lynn Hawthorne and Shane Spiegelman, April 24, 2010)

I348-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I348-2

See Response to Comment I299-1.

I348-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

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I348-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as

requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I348-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I348-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I348-7

See Response to Comment I292-8.

I348-8

See Response to Comment I028-10.

I348-9

See Standard Response 10 regarding route alternatives.

Comment Letter I349 (Maureen A. and Beatrice A. Boland, April 25, 2010)

I349

Kris Livingston

From: Maureen Boland [maureenaboland@yahoo.com]
Sent: Sunday, April 25, 2010 4:40 PM
To: HSR Comments
Subject: HSR in Burlingame

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the following addresses/location and for the following reasons:
 228 Arundel Road, Burlingame My residence is a few blocks from the train depot. The sound now is unbearable and I can only foresee it getting worse with a high speed system. Why do we need it? What is the rush?

Please analyze and describe how noise levels will increase at these addresses.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I do not want HSR in Burlingame.

"Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address
 228 Arundel Road, Burlingame

" Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. Other ways this will hurt my area's look and feel:

It will divide the neighborhood, produce too much noise and lower the property value at my address: 228 Arundel Road.

Please explain how you concluded that the visual impact of HSR on our community will be "low."

" My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division at the following address:

228 Arundel Road

" HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

" I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

" I have relatives and friends who attend and teach a Burlingame High School.

I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and learning environment.

" Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

" Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

" Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at 228 Arundel Road. Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should:

Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

Maureen A. and Beatrice A. Boland

228 Arundel Road,
 Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame
 Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997
 cbaylock@burlingame.org

State Assemblymember Jerry Hill,

Comment Letter I349 - Continued

Mail: 19th District, 1528 S. El Camino Real,
Suite 302, San Mateo, CA94402
Fax: (650) 341-4676
Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee
Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402
Email to Dan Lieberman, District Representative for Millbrae and South, Dan.
Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources,
Environmental Protection, Energy and Transportation, Member, Committee on Transportation and
Housing
Mail: 160 Town & Country Village, Palo Alto, CA94301
Fax: (650) 688-6370
Email:Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto
and Sacramento

Congresswoman Jackie Speier
Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402
E
mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger
Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160
U.S. Senator Barbara Boxer
Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street,
Ste 240, San Francisco, CA 94111
Fax: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein
Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco,
CA94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources,
Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and
Housing
Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

Response to Letter I349 (Maureen A. and Beatrice A. Boland, April 25, 2010)

I349-1

See Response to Comment I031-2 regarding noise and vibration.

I349-2

See Response to Comment I299-1.

I349-3

See Response to Comment I028-9.

I349-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the

project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I349-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I349-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level

EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I349-7

See Response to Comment I292-8.

I349-8

See Response to Comment I028-10.

I349-9

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

Comment Letter I350 (Julie Baird and Laurie Simonson, April 26, 2010)

Kris Livingston

I350

From: Julie Baird [baird.ja@gmail.com]
Sent: Monday, April 26, 2010 9:51 AM
To: HSR Comments
Cc: Laurie Simonson; cbaylock@burlingame.org; Marc.Hershman@asm.ca.gov; Senator.simitian@sen.ca.gov; margo.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment
Attachments: EIR Response - FINAL.doc

Dear Mr. Leavitt:

Attached please find our comments to the the Bay Area to Central Valley Revised Draft Program EIR.

Thank you for your consideration,

Julie Baird
 Laurie Simonson

April 26, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814

Via Email: comments@hsr.ca.gov

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

We are writing before the April 26, 2010 5:00 pm deadline to officially submit our comments to High Speed Rail Authorities March 4, 2010 Revised Draft Program Level EIR. We are residents on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are our concerns:

We are worried about the effects of noise and vibrations on our home. With the proposed train schedule (200 trains a day), proposed speed, and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at our home which is located less than 75 yards from the existing Caltrain tracks. Our home was constructed in the 1930's, as were most of the homes in our neighborhood. The increased vibrations will significantly impact our home by causing damage to our walls, window settings, walkways, and soil. These homes were not built to withstand a High Speed Rail (HSR) train in close proximity.

I350-1

We moved to Burlingame from San Francisco to enjoy the quiet peaceful nature of the communities on the Peninsula. The increased noise levels anticipated with HSR will ruin this environment and significantly decrease our property value.

Please analyze and describe how the effect of the vibrations and the noise level increases will affect our home.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this will be a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To

I350-2

Comment Letter I350 - Continued

avoid this, if HSR is run through the Peninsula communities, we want HSR and Caltrain tracks underground.

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. This will be a freeway within 75 yards of our home. Please describe how you decided that there will be NO impact on community cohesion for my home and our neighborhood.

I350-2
cont.

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape.

I350-3

Please explain how you concluded that the visual impact of HSR on our community will be "low."

In addition to the visual harm, my neighborhood will be harmed by the extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division south of Howard Avenue and at and near the Bayswater Avenue rail crossing.

I350-4

Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on the people at my home, the assisted living community located at Altera on Burlingame Avenue, the elementary school staff and students and Washington Elementary School and the children and staff at Burlingame High School.

I350-5

Please describe the effects of the electrical poles, wires and electromagnetic fields and how you will mitigate them.

To avoid the problems indicated above, you should:

1. Position high speed rail through the Altamont Pass corridor and ending in the east bay (and using Bart to connect to San Francisco) or continuing across the San Francisco Bay via the new Bay Bridge under construction or via tunnel.
2. If Altamont Pass is determined to not be a viable option, stop the high speed train in San Jose and have people use existing Caltrain bullet trains to reach San Francisco.
3. If HRS must continue to San Francisco via the Peninsula, route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
4. If HSR must utilize the Peninsula Caltrain corridor, put HRS in a tunnel through the densely populated communities on the Peninsula.

I350-6

Very truly yours,

Julie Baird & Laurie Simonson
908 Bayswater Ave.
Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame
State Assemblymember Jerry Hill,
State Senator Leland Yee
State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources,
Congresswoman Jackie Speier
Governor Arnold Schwarzenegger
U.S. Senator Barbara Boxer
U.S. Senator Diane Feinstein
State Senator Alan Lowenthal,

Response to Letter I350 (Julie Baird and Laurie Simonson, April 26, 2010)

I350-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I350-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I350-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I350-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The

Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I350-5

See Response to Comment I028-10.

I350-6

See Standard Response 10 regarding route and vertical profile alternatives.

Comment Letter I351 (Renee Ballinger, April 27, 2010)

Kris Livingston

I351

From: Renee Ballinger [rballing@hotmail.com]
Sent: Tuesday, April 27, 2010 9:52 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment
Attachments: HSR letter.doc

Please see attached letter.
 Thank you,
 Renee Ballinger

Hotmail is redefining busy with tools for the New Busy. Get more from your inbox. [See how.](#)

Date: April 27, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground if possible, or moved to be adjacent to the freeway.. I351-1

"Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

" Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. I351-2

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division at addresses along California Drive. I351-3

And how this may impact property values in Burlingame Grove. I351-4

" HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks. I351-5

There are already enough "accidents" from the students on the current tracks. High Speed with increased frequency will danger the Burlingame High School Kids walking to/from school. I351-6

Comment Letter I351 - Continued

" I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame. | I351-7

" Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities. | I351-8

To avoid the problems indicated, you should:

" Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems. | I351-9

OR

" Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

Renee Ballinger

1251 Capuchino Avenue

Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame

Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997

cbaylock@burlingame.org

State Assemblymember Jerry Hill,

Mail: 19th District, 1528 S. El Camino Real,

Suite 302, San Mateo, CA 94402

Fax: (650) 341-4676

Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee

Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402

Email to Dan Lieberman, District Representative for Millbrae and South, Dan.Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing

Mail: 160 Town & Country Village, Palo Alto, CA 94301

Fax: (650) 688-6370

Email: Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier

Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

E

mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger

Mail: State Capitol Building, Sacramento, CA 95814, Fax: 916-558-3160

U.S. Senator Barbara Boxer

Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111

FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein

Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA 94104

Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing

Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

Response to Letter I351 (Renee Ballinger, April 27, 2010)

I351-1

See Response to Comment I299-1.

I351-2

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

I351-3

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I351-4

See Standard Response 6 regarding property values.

I351-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I351-6

The HST project under consideration in the Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project is therefore anticipated to improve existing safety conditions in those areas like the Caltrain corridor between San Francisco and San Jose that have current problems with pedestrian/auto/rail accidents due to auto/rail grade crossings. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to eliminate rather than increase the current condition on the Caltrain corridor where the easy pedestrian access to the rail tracks has resulted in the unfortunate problem of suicide deaths on the corridor.

I351-7

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I351-8

See Response to Comment I249-10 regarding ADA.

I351-9

See Standard Response 10 regarding alternatives.

Comment Letter I352 (Louise Bonomo, April 25, 2010)

I352

Kris Livingston

From: COUNCIL-Baylock, Cathy [cbaylock@burlingame.org]
Sent: Monday, April 26, 2010 9:16 AM
To: Louise Bonomo; GRP-Council
Cc: PW/ENG-Murtuza, Syed
Subject: RE: Comments on HSR

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail.
http://www.windowstlive.com/campaign/thenewbusy?title=multicalendar&ocid=PID28326:T:WLMTAGL:ON:WL:en-US:WM_HMP:042010_5

Dear Mrs. Bonomo,
 Thank you for taking the time to write. I am sending your comments on to city council and Public Works Director, as well.

Cathy Baylock
 Mayor

-----Original Message-----

From: Louise Bonomo [mailto:lbono534@hotmail.com]
 Sent: Mon 4/26/2010 8:56 AM
 To: comments@hsr.ca.gov
 Cc: COUNCIL-Baylock, Cathy; marc.hershman@asm.ca.gov; lieberman@sen.ca.gov; senator.simitian@sen.ca.gov;
 margo.rosen@mail.house.gov; mark.pulido@sen.ca.gov

Subject: Comments on HSR

April 25, 2010

Dan Leavitt, California High Speed Rail Authority 925 "L" Street, Suite 1425 Sacramento, CA 95814
 Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I live in adjacent Hillsborough, but Burlingame is the primary commercial area serving our town.

My son attends Burlingame High School and I am concerned about the impact the HSR would have on the school itself as well as the community.

Here are my concerns: I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems along the train corridor - specifically near California Drive. I DO NOT LIKE the fact that a possible elevated railway will divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will not only disrupt the already congested traffic in the vicinity, but will also destroy the beautiful landscape of Eucalyptus trees.

I think at the very least, you should consider running the tracks alongside our major freeways (highways 101 or 280) or have the train stop in San Jose. The SF Peninsula is densely populated with homes and businesses, and running the tracks through the already-congested corridor of the Caltrain tracks will disrupt many communities - not only during the construction phase, but afterwards when communities will be physically divided by this project.

Thank you for your consideration. Sincerely,
 Louise Bonomo 30 Pagan Drive Hillsborough, CA 94010

I352-1

I352-2

I352-3

I352-4

Response to Letter I352 (Louise Bonomo, April 25, 2010)

I352-1

See Standard Responses 3 and 5.

More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs. This analysis will include impacts at sensitive receivers, such as residences, schools, and parks.

I352-2

See Response to Comment 1017-4.

I352-3

The potential impacts of the addition of the HST service to the Caltrain corridor is currently under evaluation as part of project level engineering and environmental document. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, visual quality, and traffic will be addressed as part of project-level EIR/EIS.

Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I352-4

See Standard Response 10 regarding alternatives.

Comment Letter I353 (Juan Martinez, April 25, 2010)

I353

1

Kris Livingston

From: Juan Martinez [juanmartinez@gmail.com]
Sent: Sunday, April 25, 2010 12:34 PM
To: HSR Comments; cbaylock@burlingame.org
Subject: Environmental impact of HSR
Attachments: Program Level EIR comment sheet 2010 04 12 Burlingame .doc

Please read my comments

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

NOISE:

As a Burlingame resident the train traffic will produce noise pollution in excess 93 dBA (steel wheels on tracks) in residential areas, which is unacceptable near homes and parks where children may be at play, considering that the proposed tracks will be at about fifty meters than the homes/parks/preschools along California Dr in Burlingame, The following are Preschools straight across the proposed tracks:

- Village Park
- Palcare
- Burlingame Montessori

These are the parks which are also straight across from the proposed tracks in Burlingame:

- Village Park
- Washington Park
- Alpine Park
- Laguna Park (70 meters)

This does not include the thousands of residents which live near the tracks and will be affected by frequent train traffic at unacceptable noise levels defined by U.S. Department of Housing and Urban Development as shown in the following table:

I353-1

1

Comment Letter I353 - Continued

2

TABLE 2
Guidelines for Acceptable Environmental Noise Levels

Activity and Specified Sound Levels (in dBA)	Criteria Objective
EPA Levels Document (1974) 55 dBA L_{eq} outdoors 45 dBA L_{eq} indoors	For the protection of public health and welfare with an adequate margin of safety.
WHO Document (1980) 50-55 dBA L_{eq} (15h), outdoors/day 45 dBA L_{eq} (9h), outdoors/nights 30 dBA L_{eq} (24h), bedrooms 45 dBA L_{eq} (24h), bedrooms	Recommended the guidelines for physiological and psychological well being
U.S. Interagency Committee (FICON) 65 dBA L_{eq} outdoors >45-70 dBA L_{eq} outdoors	Generally compatible for residential development. Residential use discouraged
HUD (ref. 24 CFR par. 51.103) 65 dBA L_{eq} outdoors >45-75 dBA L_{eq} outdoors >75 dBA L_{eq} outdoors	Acceptable for housing without special acoustical design consideration. Normally unacceptable, but acceptable with acoustical sound insulation. Unacceptable, but acceptable with acoustical sound insulation and the existence of overriding benefits of the project.
FHWA (ref. 23 CFR, par. 777) 57 dBA L_{eq} (1h) 60 dBA L_{eq} (1h) outdoors 67 dBA L_{eq} (1h) 70 dBA L_{eq} (1h) outdoors 72 dBA L_{eq} (1h) 75 dBA L_{eq} (1h) outdoors	Activity Category A Areas on which severity and quiet are of extraordinary significance. Activity Category B Urban areas, recreation areas, residences, hotels, schools, churches, libraries, hospitals. Activity Category C Developed lands not in A or B above.
FAA (ref. 14 CFR, par. 150, Appendix A) 65 dBA L_{eq} outdoors >45-70 dBA L_{eq} outdoors >70-75 dBA L_{eq} outdoors >75-80 dBA L_{eq} outdoors >80 dBA L_{eq} outdoors	Compatible for residential, public, and commercial building uses. Compatible for commercial building use. Compatible for public building use with 25 dBA building envelope average noise reduction (NR). Not compatible for residential, but interior acceptable with 25 dBA building envelope NR. Compatible for commercial building use with 25 dBA building envelope NR. Compatible for public building use with 30 dBA building envelope average noise reduction (NR). Not compatible for residential, but interior acceptable with 30 dBA building envelope NR. Compatible for commercial building use with 30 dBA building envelope NR. Not compatible for public building use. Not compatible for residential, but interior acceptable with 35 dBA building envelope NR. Not compatible for commercial, public, or residential use buildings.

Reference: *Environmental Noise: The Invisible Pollutant*, an article written by William Cavanaugh and Gregory Tocci of Cavanaugh Tocci Associates, Inc.

TREES

Our city I nicknamed "Burlingame, the city of trees", there is about **1.54 million** square feet of high density trees along California Drive that will have to be cut to make way for expansion and paving for the new tracks, this is sure to have a serious detrimental impact to our local environment including the local fauna and birds that depend their existence on these green areas.

Other Concerns

Although Caltrain already runs through our neighborhood, the proposed changes will be a huge change that will be harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will be harm how our neighborhood looks and will dominate the landscape.

I353-1
cont.

I353-2

I353-3

3

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property must be taken to run these temporary tracks

I353-4

I don't want trees cut down along the Caltrain right-of-way in Burlingame.

I353-5

I have children who attend the following schools: McKinley Elementary school and Stepping Stones preschool.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

I353-6

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains.

I353-7

To avoid the problems indicated, you should consider alternative routes to the present Caltrain corridor and methods of construction that will not have such devastating impacts on my community.

I353-8

Very truly yours,

Juan Martinez, 1415 California Dr. Burlingame, CA 94010
Telephone: 650-344-0259

cc: Cathy Baylock, Mayor, City of Burlingame
cbaylock@burlingame.org

Assemblyman Jerry Hill
19th District, 1528 S. El Camino Real, Suite 302, San Mateo, CA 94402, Tel: (650) 349-1900, Fax: (650) 341-4676

Senator Leland Yee
District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402, (650) 340-8840

Senator Joe Simitian
11th District, 160 Town & Country Village, Palo Alto, CA 94301, Phone: (650) 688-6384, Fax: (650) 688-6370

Congresswoman Jackie Speier
12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402

Response to Letter I353 (Juan Martinez, April 25, 2010)

I353-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I353-2

The visual assessment in the Program EIR considered that the distance measured between the canopy of the trees lining the right-of-way in Burlingame is between 75 and 85 feet. This distance was compared to the width of the Caltrain right-of-way south of SR 84, Woodside Road, in Redwood City, where there are already four tracks for Caltrain. The total width of the right-of-way in that section is about 77 feet, as measured from an aerial photo. This led to the determination that four tracks could be accommodated without removal of the existing trees.

The ability to add the two tracks to the existing Caltrain alignment and design a grade separation that did not visually dominate the existing Burlingame station led to the visual impact ranking in the EIR. From downtown, the station will remain the dominant feature at the foot of Burlingame Avenue. The eucalyptus will remain the dominant visual item along California Drive and Carolan Avenue. Alternative configurations will be analyzed as part of the project-level EIR/EIS, including underground options. Very few, if any, of trees along California Drive would need to be removed based on the program design.

I353-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

I353-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The

Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I353-5

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I353-6

See Response to Comment I292-8.

I353-7

See Response to Comment I028-10.

I353-8

See Standard Response 10 regarding route alternatives.

Comment Letter I354 (Susan May, April 25, 2010)

Kris Livingston

I354

From: sgobears@comcast.net
Sent: Monday, April 26, 2010 9:43 AM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and home owner in Burlingame which is located on the Caltrain route between San Francisco and San Jose.

Here are my concerns:

1. I am worried about noise and vibrations. With the proposed train schedule (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at:

I354-1

- Burlingame High School (400 Carolyn Avenue) and its adjacent playing fields which are not only used for high school activities, but also for AYSO soccer programs, San Mateo Unified High School District football, ASA softball games, etc. Increased noise levels at more frequent intervals during schools hours will hinder the learning environment.
- Village Park (California Drive) is the site of a preschool, playground, picnic area and playing fields. Here again are the negative effects of increased and more frequent noise.

2. HSR will divide Burlingame. This huge proposed structure would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences.

I354-2

Although Caltrain already runs through our neighborhoods, the proposed changes will be significant and harmful. The proposed HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, will dominate the landscape. Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks.

I354-3

3. Burlingame business will be negatively affected. A critical source of city income is derived from revenue from our downtown businesses. Unsightly, elevated, disproportionately large and noisy tracks within 100 yards of our charming downtown area will certainly diminish its current attraction.

I354-4

4. I am very opposed to cutting down trees, especially our historic Eucalyptus Grove, along the Caltrain right-of-way in Burlingame. Not only do these trees help shield the trains from view, they are also an important noise mitigation factor. When many trees were cut down in Millbrae to make way for BART, the airport noise heard in Burlingame increased substantially.

I354-5

Alternatives to avoid serious economical, environmental, and quality-of-life issues include:

- Putting the high speed train in a tunnel.
- Putting the high speed train in a covered trench.
- Routing the high speed train next to highway 101 or 280, completely avoiding the Caltrain corridor problems.
- Stopping the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I354-6

Very truly yours,

Susan May
 2408 Hale Drive
 Burlingame, CA 94010

Response to Letter I354 (Susan May, April 25, 2010)

I354-1

See Response to Comment I031-2 regarding noise and vibration.
Also see Standard Response 5.

I354-2

The commenter states that the HST should be put in a tunnel to avoid dividing neighborhoods and causing impacts. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3.

I354-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

I354-4

See Standard Response 6.

I354-5

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I354-6

See Standard Response 10 regarding alternatives.

Comment Letter I355 (Kim Miller, April 25, 2010)

I355

Kris Livingston

From: Kim Miller [kimardenmiller@gmail.com]
Sent: Saturday, April 24, 2010 7:45 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Date: April 25, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident and/or business owner on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

I355-1

Here are my concerns:

I am concerned about noise and vibrations. Please analyze and describe how noise levels will increase at these addresses.

I don't want HSR to give the feel of dividing Burlingame.

I355-2

I don't like the idea of elevated tracks, and would prefer tunneling or channels.

I355-3

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I355-4

To avoid the problems indicated, you should:

- Put the high speed train in a tunnel.
- Put the high speed train in a covered trench.
- Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
- Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I355-5

Very truly yours,

Kim Miller
 print name
 141 Crescent Avenue
 Burlingame, California 94010

cc:

Cathy Baylock, Mayor, City of Burlingame
 Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997
cbaylock@burlingame.org

1

State Assemblymember Jerry Hill,
 Mail: 19th District, 1528 S. El Camino Real,
 Suite 302, San Mateo, CA94402
 Fax: (650) 341-4676
 Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee
 Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402
 Email to Dan Lieberman, District Representative for Millbrae and South, Dan.
Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing
 Mail: 160 Town & Country Village, Palo Alto, CA94301
 Fax: (650) 688-6370
 Email Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier
 Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402
 E
 mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger
 Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160
U.S. Senator Barbara Boxer

Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111
 FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein
 Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104
 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing
 Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

2

Response to Letter I355 (Kim Miller, April 25, 2010)

I355-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I355-2

The commenter states that the HST should be put in a tunnel to avoid dividing neighborhoods and causing impacts. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website. See also Standard Response 3.

I355-3

See Standard Response 10 regarding vertical profile alternatives.

I355-4

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I355-5

See Standard Response 10 regarding alternatives.

Comment Letter I356 (Jane A. Behrens, April 26, 2010)

Kris Livingston

From: Jane Behrens [bearingwitnessjb@yahoo.com]
Sent: Monday, April 26, 2010 4:11 PM
To: HSR Comments
Subject: High Speed Rail

April 26, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA 95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I am worried about noise and vibrations. With the proposed train schedule (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase and cause problems for many citizens in Burlingame. Please analyze and inform me how noise levels will increase in the neighborhoods near the tracks.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe 4 more tracks if passing sidings are needed. This is a big change from the way it is now and would be like putting a freeway through the center of Burlingame. Further it would divide the high school from the residents on the other side of the tracks and divide the east and west side residences. To avoid this, I want HSR to underground the tracks.

Aerial tracks will be like putting a freeway where there used to be just 2 train tracks. Please inform me how you decided that there will be NO impact on community cohesion in the city of Burlingame.

Although Caltrain already runs through our neighborhood, the proposed changes will be a huge change that will be harmful to our community. In addition to the HSR tracks there will be a need for extra tracks for Caltrain to keep running during construction. The running of trains every 5 minutes, together with the addition of high electrical poles and wires will also have an impact. This will harm how our neighborhood looks and will dominate the landscape. Please inform me how you concluded that the visual impact of HSR on our community will be "low."

I356

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property must be taken to run these temporary tracks.

HSR will harm how we get to school, work, businesses, and other destinations on the other side of the tracks.

I don't want trees cut down along the Caltrain right-of-way in Burlingame.

I am concerned about how the noise levels of HSR will impact the quality of the educational environment at Burlingame High School. I request a specific analysis of how noise, vibrations, construction and train operations will affect this school and its students and their learning environment.

Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

Powerful new electrical poles and wires will be needed to run the high speed trains. I am concerned about the health effects of electromagnetic fields on Burlingame residents, especially children, living near these poles. Please inform me of the effects of this exposure and how you will mitigate them.

To avoid the problems indicated, you should consider alternative routes to the present Caltrain corridor and methods of construction that will not have such devastating impacts on my community.

Very truly yours,

Jane A. Behrens
 1133 Palm Drive
 Burlingame, CA 94010

I356-4

I356-5

I356-6

I356-7

I356-8

I356-9

I356-1

I356-2

I356-3

Response to Letter I356 (Jane A. Behrens, April 26, 2010)

I356-1

See Response to Comment I031-2 regarding noise and vibration.

I356-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I356-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I356-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as

requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I356-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I356-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I356-7

See Response to Comment I292-8.

I356-8

See Response to Comment I028-10.

I356-9

See Standard Response 10 regarding route alternatives.

Comment Letter I357 (Beth Beisecker, April 26, 2010)

I357

Kris Livingston

From: Beth Beisecker [bbeisecker@msn.com]
Sent: Monday, April 26, 2010 3:36 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Very truly yours,

Beth Beisecker

206 Howard Avenue

Burlingame, CA 94010

I am writing before 5:00 pm, PST, April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

I357-1

Here are my concerns:

I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and be very noisy at my home down the street at 206 Howard Avenue.

HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground. Please explain how you concluded that the visual impact of HSR on our community will be "low."

I357-2

Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for this address.

Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction, plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape.

I357-3

My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks. I am specifically worried about this division for those living in apartments on Myrtle Ave. in Burlingame.

I357-4

HSR will harm how we get to school, businesses, and other destinations on the other side of the tracks.

I357-5

I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

I357-6

To avoid the problems indicated, you should:

Put the high speed train in a tunnel, or route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems. One additional solution that I would like to see you consider is to stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

I357-7

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Response to Letter I357 (Beth Beisecker, April 26, 2010)

I357-1

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I357-2

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I357-3

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

I357-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be

assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I357-5

As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the project would construct grade separations where none previously existing thereby improving circulation between neighborhood areas and schools, businesses and other destinations. There is the potential for temporary circulation impacts to occur during construction. Specific locations and the scale of construction impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level. Also as noted in Chapter 3.7 of the Final Program EIR, mitigations strategies such as a traffic management plan would be prepared to reduce circulation and barrier effects during construction.

I357-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I357-7

See Standard Response 10 regarding alternatives.

Comment Letter I358 (Ash Mcneely, April 24, 2010)

I358

Kris Livingston

From: ash mcneely [ashmcneely@gmail.com]
Sent: Saturday, April 24, 2010 4:09 PM
To: HSR Comments
Cc: cbaylock@burlingame.org; Marc.Hershman@asm.ca.gov; Lieberman@sen.ca.gov; Senator.simitian@sen.ca.gov; go.rosen@mail.house.gov; Mark.Pulido@sen.ca.gov
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment

April 24, 2010

Dan Leavitt, California High Speed Rail Authority
 925 "L" Street, Suite 1425
 Sacramento, CA95814
 Email: comments@hsr.ca.gov
 Fax: (916) 322-0827

Re: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Dear Mr. Leavitt:

I am writing before April 26, 2010 to officially submit my comments to High Speed Rail Authorities (HSRA) March 4, 2010 Revised Draft Program Level EIR (EIR). I am a resident on the Peninsula between San Francisco to San Jose, specifically, Burlingame.

Here are my concerns:

I moved to Burlingame 25 years ago and have enjoyed the pastoral, tree-friendly, family-friendly community we have here. My children attended the Burlingame public schools and regularly walked home from school. The high speed rail will turn the neighborhoods like mine that are near the tracks into noisier, dustier, more vibrating corridors, pushing home values down and frankly making families like mine move away -- families that have been strong community residents.

" I am worried about noise and vibrations. With the proposed train scheduled (200 trains a day), and the expected noise "decibel" levels for steel on steel wheels at 125 mph (93 dBA), the noise and vibrations will increase significantly and cause problems at the intersection of California and Broadway and all the way along California Avenue in Burlingame which is my neighborhood.

"HSR will divide Burlingame. It will add at least 2 tracks to the existing 2 tracks used by Caltrain and maybe more tracks if passing sidings are needed. If tracks are elevated, this is a big change from the current ground level tracks and would be like putting an elevated freeway through the center of Burlingame. Further it would divide the high school and recreation facilities from the residents on the west side of the tracks, divide our downtown from east side residents, and divide east and west side residences. To avoid this, I want HSR and Caltrain tracks underground.

"Elevated tracks with associated wires will be like putting a freeway where there used to be just 2 ground level train tracks. Please describe how you decided that there will be NO impact on community cohesion for my address: 1236 Paloma Avenue, Burlingame, CA 94010

" Although Caltrain already runs through our neighborhood, the proposed changes will be significant and harmful. Adding the HSR tracks, plus the extra tracks Caltrain will need to keep running during construction,

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plus running trains every 5 minutes, plus adding high electrical poles and wires, will harm how our neighborhood looks and will dominate the landscape. Guests in the airport hotels will no longer feel that they can easily access the shops and restaurants on Boradway in Burlingame (right near my house) if there is a monolithic structure between them and these already struggling businesses. Please explain how you concluded that the visual impact of HSR on our community will be "low."

" My neighborhood will be harmed by extra tracks needed to keep Caltrain running during construction of HSR. This will cause irreversible damage to neighboring homes and businesses whose property might be taken to run these temporary tracks.

" I don't want trees, especially our historic Eucalyptus Grove, cut down along the Caltrain right-of-way in Burlingame.

" Please ensure that any noise impacts on each classroom in this school comply with American National Standards Institute S12.60 Classroom Acoustics Standard and hire an acoustical consultant and ensure that noise levels not exceed 35 dBA in an empty classroom.

" Please ensure that the noise, construction, pollution and other impacts of HSR do not violate the Americans with Disabilities Act (ADA) and ADA Accessibility Guidelines as applied to school students with hearing, respiratory and other disabilities.

" Powerful new electrical poles and wires will be needed to run the high speed trains. I am worried about the health effects of electromagnetic fields on people at 1236 Paloma Avenue, Burlingame, CA 94010. Please describe the effects and how you will mitigate them.

To avoid the problems indicated, you should:

- " Put the high speed train in a tunnel.
- " Put the high speed train in a covered trench.
- " Route the high speed train next to highway 101 or 280, which would completely avoid the Caltrain corridor problems.
- " Stop the high speed train in San Jose and have people get onto Caltrain bullet trains to reach San Francisco.

Very truly yours,

Ash McNeely
 1236 Paloma Avenue
 Burlingame, CA 94010

cc:

Cathy Baylock, Mayor, City of Burlingame
 Mail: City Hall, 501 Primrose Road, Burlingame, California 94010-3997
cbaylock@burlingame.org

State Assemblymember Jerry Hill,
 Mail: 19th District, 1528 S. El Camino Real,
 Suite 302, San Mateo, CA94402
 Fax: (650) 341-4676
 Email Marc Hershmann, Field Representative in San Mateo, Marc.Hershman@asm.ca.gov

State Senator Leland Yee
 Mail: District 8, 400 South El Camino Real, Suite 630, San Mateo, CA 94402

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Comment Letter I358 - Continued

Email to Dan Lieberman, District Representative for Millbrae and South, Dan. Lieberman@sen.ca.gov

State Senator Joe Simitian, 11th District, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Member, Committee on Transportation and Housing
 Mail: 160 Town & Country Village, Palo Alto, CA94301
 Fax: (650) 688-6370
Email:Senator.simitian@sen.ca.gov (emails are sent to transportation staffers in Palo Alto and Sacramento)

Congresswoman Jackie Speier
 Mail: 12th Congressional District, 400 S. El Camino Real, Suite 750, San Mateo, CA 94402
 E
 mail: Margo Rosen, District Director for San Mateo office, margo.rosen@mail.house.gov

Governor Arnold Schwarzenegger
 Mail: State Capitol Building, Sacramento, CA95814, Fax: 916-558-3160
 U.S. Senator Barbara Boxer
 Mail Att: Hilary Pearson, Field Representative for San Mateo County, 1700 Montgomery Street, Ste 240, San Francisco, CA 94111
 FAX: 202-224-0454 (reroutes to SF office)

U.S. Senator Diane Feinstein
 Mail Att: Christine Epres, Field Representative, 1 Post Street, Ste 2450, San Francisco, CA94104 Fax to: (415) 393-0710

State Senator Alan Lowenthal, 27th district, Member, Budget subcommittee on Resources, Environmental Protection, Energy and Transportation, Chair, Committee on Transportation and Housing
 Email to Mark Pulido, District Director, Long Beach Mark.Pulido@sen.ca.gov

Response to Letter I358 (Ash Mcneely, April 24, 2010)

I358-1

The comment expresses concerns about noise and vibration, air quality, and home values. Comment acknowledged. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

See Standard Response 6 regarding project impacts on residential property values.

I358-2

See Response to Comment I031-2 regarding noise and vibration. Also see Standard Response 5.

I358-3

See Response to Comment I296-2 regarding community cohesion and neighborhoods.

I358-4

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor is currently underway as part of project level engineering and environmental analyses. Operational and construction impacts including those related to the addition of HST trains to the Caltrain corridor, Caltrain service, HST catenary system, and visual quality impacts will be addressed as part of project-level EIR/EIS.

Visual impacts of the HST system for the San Francisco to San Jose corridor were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR. As noted in the Final Program EIR, in most locations the addition of two tracks within the Caltrain right-of-way would result in a low impact while in some locations there would be a high visual impact such as where vegetation and landscaping would be removed, addition of pedestrian overcrossings, or where the HST alignment would pass over roadways. However, overall the visual impact was identified to be low. The March 2010 Revised Draft EIR Material identified that some limited right-of-way acquisition would be required along the Caltrain corridor between San Francisco and San Jose in some narrow areas. As part of the follow-on preliminary engineering and project-level EIR/EIS effort, design variations may be applied to reduce some of the impacts to properties and visual impacts.

I358-5

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. The 2008 Final Program EIR, Chapter 3.18, describes construction methods and typical impacts. Mitigation strategies were discussed under the various topics in Chapter 3 of the Final Program EIR.

Construction impacts for the HST project vary with location. A detailed impacts analysis of the addition of the HST service to the Caltrain corridor will be undertaken as part of project level engineering and environmental analyses. It is assumed in the Program EIR that Caltrain and HST would remain within the existing right-of-way at most locations, but some temporary construction detours for automobile traffic and shooflies (temporary detours for railway tracks) would be necessary. The specific design and subsequent impacts of temporary construction impacts cannot be assessed until at least 15% engineering design is complete and the full extent of impacts cannot be understood until 30% engineering design is complete during the project level analysis.

Potential impacts include street disruption for relocation of utilities, raising or lowering the grade of the street for a railway grade separation, temporary full or partial closure for grade separation construction or a railway shoofly, loss of on-street parking for the same reasons. Mitigations for these impacts are developed at the project level, once sufficient engineering work has been completed. Potential mitigations could include complex construction staging to minimize the size/scope of street detours/closures or railway shooflies, creation of temporary replacement parking, increased traffic control staff and devices to mitigate temporary lane reductions, educational programs to help motorists avoid construction areas, utilize temporary parking facilities, or activities to encourage patronage of affected commercial areas. Mitigations for noise during construction can include early construction of sound walls, temporary sound walls and restricted work hours. The Authority would work with local agencies prior to and during construction to minimize impacts on adjacent land uses.

I358-6

A detailed impacts analysis of the addition of the HST service to the Caltrain corridor in Burlingame is currently underway as part of project level engineering and environmental analyses. Removal of eucalyptus trees and other mature trees along the Caltrain corridor will be avoided to the extent possible. Operational and construction impacts including those related to the removal of eucalyptus trees along the Caltrain corridor will be addressed as part of project-level

EIR/EIS. Specific locations and the scale of impacts will be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I358-7

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. Site specific noise analysis, including a detailed evaluation of impacts to sensitive receptors such as schools, will be part of subsequent project-level EIR/EISs. The Authority will consider the comment as part of the project-level EIR/EIS processes. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I358-8

See Response to Comment I028-10.

I358-9

See Standard Response 10 regarding alternatives.

Comment Letter I359 (Linda Hower, April 25, 2010)

I359

Kris Livingston

From: Linda Hower [howerberry@yahoo.com]
Sent: Sunday, April 25, 2010 6:30 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comment

I am very concerned about the development of the HSR going through the small peninsula communities. The peninsula is a unique place with wonderful small towns that happen to be near the current train tracks. I would like the tracks to be underground through Burlingame to minimize adverse effects to the Burlingame community. I359-1

Our family will be effected in a multitude of ways.

Our auto repair business is directly across the street from the tracks at Bayswater and Myrtle. We also own 3 additional properties on the same block. Our financial stability will be directly impacted by the construction of the HSR. I359-2

Our home is 9 blocks from the HSR. I am very concerned that the noise, dust and vibration from this project will alter our quiet neighborhood. I359-3

I am concerned that our property values will go down because people won't want to live in this part of Burlingame.

Until now Burlingame has been able to survive the downturn in the economy with relatively stable home prices. I believe that although we survived that economic disaster the HSR will do irreparable damage to our community. I359-4

Washington Elementary School, where I teach, is 2 blocks from the train tracks. If the construction and operation of the HSR is as loud as I understand it will be, how are the children going to concentrate on their work or play in the playground? I359-5

I would like you to make public the damage that this train will do to small communities and see how people who live on the other side of the state feel about it. People who live in other areas of California have no idea what it will do to beautiful small towns. I359-6

I beleive that the voters of California were purposefully manipulated to vote for the HSR. There were no details provided at the time of the election. I guarantee that if people knew the damage it would do to many communities they would not have voted for it.

Sincerely,

Linda Hower

Response to Letter I359 (Linda Hower, April 25, 2010)

I359-1

See Standard Response 10 regarding vertical profile alternatives.

I359-2

See Standard Response 6.

I359-3

See Standard Response 3.

More detailed information and analysis of noise, vibration, air quality, and community impacts and mitigation will be included in project-level EIR/EISs.

I359-4

See Standard Response 6 regarding property values.

I359-5

See Standard Response 5. Site specific noise/vibration, construction, and train operational impacts on sensitive receptors such as schools, will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I359-6

Comment acknowledged.

Comment Letter I360 (John Beebe, April 26, 2010)

I360

Kris Livingston

From: john [john@aec-engineers.com]
Sent: Monday, April 26, 2010 8:37 AM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments
Attachments: HST EIR COMMENTS2.doc
Importance: High

Attached for your review and response are my comments to the latest EIR report

April 26, 2010

California High Speed Rail Authority
 Attn: Dan Leavitt, Deputy Director
 925 L Street, Suite 1425
 Sacramento, CA 95814

Subject: Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the California High Speed Rail Authority's March 2010 Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Material. The California HST project will have a long-lasting and far-reaching impact on the City of Gilroy. I have reviewed the Revised Draft Program EIR and have the following comments:

I360-1

A. General Comments and Process:

A.1 Public Meetings

Comment A.1-1. - No scoping sessions or public meetings were held anywhere between San Jose and Merced for the Revised Draft Program EIR. South County cities were also not included in the Outreach before the Second Draft Program EIR/EIS process. The failure of the California High-Speed Rail Authority (CHSRA) to solicit comments from communities along the South County corridor during the scoping process, the EIR/EIS public review process, or the Revised Draft Program EIR process violates the public review requirements of the California Environmental Quality Act (CEQA), and renders the current Revised Draft EIR inadequate.

I360-2

A.2 Significant New Information

Comment A.2-1 - Significant new information exists, under many environmental parameters that makes the earlier Program EIR/EIS invalid and requires a recirculation of the Program EIR/EIS, as well as recirculation of the Revised Program EIR.

I360-3

Comment A.2-2 - New information on project impacts and alternatives is being discovered during the project-level environmental review for the San Francisco to San Jose and San Jose to Merced segments. This new information may indicate new or increased impacts, and new feasible alternatives or mitigation measures. The new information needs to be presented and analyzed in a revised and recirculated environmental document.

I360-4

Comment A.2-3 - The need to evaluate impacts from Union Pacific Railroad's (UPRR) recent refusal to share it, ROW opens up the possibility of considering new alternative alignments for not only the Pacheco Pass alignments but also the Altamont Pass alignments, including an Altamont Pass alignment that would run along State Route 84 through the East Bay rather than along the UPRR ROW.

I360-5

A.3 Limiting Scope of Comments to the Revised Draft Program EIR Inappropriately Limits the Analysis

Comment A.3-1 - Limiting the scope of comments to the Revised Materials is inappropriate if the original analysis was flawed.

I360-6

Comment Letter I360 - Continued

Mr. Dan Leavitt
April 26, 2010
Page 2 of 3

A.4 Inappropriate Listing of Supporters and Opponents

Comment A.4-1 - It is inappropriate to list the agencies and organizations who support, or have expressed concern over, the selection of the Preferred Alternative (Sections 7.3.2 and elsewhere) in the document.

I360-7

B. Environmental Impacts and Mitigation Measures:

B.1 General Comments

Comment B.1-1 - The document fails to disclose or adequately analyze the project's potential land use and transportation impacts associated with the use of the shared Caltrain/UPRR ROW between San Francisco and San Jose, and the UPRR ROW from San Jose to Gilroy. Perhaps more importantly, the document fails to discuss the potential necessity of locating the project alignment away from either segment of this ROW, particularly in the San Jose to Gilroy segment where the UPRR owns and controls the corridor. The potential need for a new project alignment in these areas necessitates a revised analysis of project impacts.

I360-8

Comment B.1-2 - The impact discussion focuses on a corridor 50 feet to either side of the existing corridor or 50 feet to either side of the centerline of the new HST alignments. The analysis should focus on a wider corridor for impacts. Some impacts, such as noise, can have a significant effect several hundred or even several thousand feet away from the project corridor. The impact discussion should be revised to use appropriately sized impact corridors as appropriate for each specific impact, with no corridor narrower than 500 feet to either side of the proposed HST corridor.

I360-9

Comment B.1-3 - The document uses the terms "exclusive guideway" and "shared guideway", but does not define these terms. The document further concludes in a cursory and conclusory manner that "exclusive guideway" alternatives should be rejected, and that a "shared guideway" alternative should move forward for analysis. This conclusion is inappropriate given that UPRR has stated opposition to sharing their corridor.

I360-10

B.2 Aesthetics and Visual Impacts

Comment B.2-1 - The Revised Program EIR fails to address a number of issues related to aesthetics and visual impacts. Many of the proposed project elements (such as an elevated railway, overhead wires, sound walls, and transmission lines) would likely have a significant visual impact, and these impacts are neither fully addressed nor sufficiently mitigated.

I360-11

Comment B.2-2 - The document fails to address the visual impacts of elevated structures and the associated 45 miles of sound walls proposed as mitigation for noise effects. These structures would represent a significant change to the visual character of the corridor. The document also fails to address the shade and shadow impacts of these proposed elevated structures and sound walls. The sound walls as proposed are inadequate to mitigate the project's noise impacts, and will likely need to be made even taller, which would have a corresponding increase in impacts on aesthetics.

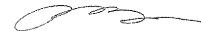
I360-12

Mr. Dan Leavitt
April 26, 2010
Page 3 of 3

Comment B.2-3 - The document fails to address how any new vehicle or pedestrian overpasses would affect the visual environment. Such structures would be significant new elements in the visual landscape, and their visual impacts need to be addressed in the EIR.

I360-13

Respectfully submitted,



John Beebe
13800 Harding Ave.
San Martin, CA 95046

Response to Letter I360 (John Beebe, April 26, 2010)

I360-1

This comment is introductory in nature. See specific responses below.

I360-2

The Authority disagrees. South county cities have been included in noticing, scoping, and public hearings/meetings throughout the environmental process. Scoping meetings are not required at this stage of the environmental process. On December 3, 2009, the Authority approved Resolution HSRA 10-012 which rescinded the Authority's certification of the 2008 Final Program EIR, thus continuing the environmental process. Scoping meetings were held in 2005 in San Francisco, San Jose, Livermore, Oakland, Modesto, and Suisun City. See the 2008 Final Program EIR and the Preface of the Revised Final Program EIR regarding notification of the availability and public meetings for the 2005 Draft Program EIR, 2008 Final Program EIR, and the 2010 Revised Draft Program EIR Material. Public hearings were held in 2007 in San Francisco, San Jose, Livermore, Oakland, Gilroy, Merced, Stockton, and Sacramento on the 2005 Draft Program EIR.

I360-3

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I360-4

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential

impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I360-5

The Authority has revised and recirculated portions of the May 2008 Final Program to address the court ruling in the Town of Atherton CEQA litigation. That ruling required the Authority to address the effect of UPRR's refusal to share its rights-of-way. The Authority has done so in its Revised Draft Program EIR Material. The text identifies that proximity to UPRR poses challenges for both Pacheco and Altamont network alternatives and that on balance the challenges appear to be less for Pacheco than for Altamont. Nevertheless, the Program EIR does not conclude that UPRR's position results in either Altamont Pass or Pacheco Pass network alternatives being infeasible. The Authority continues to believe that the Program EIR considers the most promising and practicable alternatives for both Altamont and Pacheco network alternatives and that another review and reconsideration of previously rejected alignment alternatives or additional variations of these alternatives is not necessary. Appendix 2-G of the Final Program EIR describes that an Altamont Pass alignment along SR-84 and south of Livermore ("SR-84/South of Livermore" alternative) would present more significant environmental impacts than those alternatives analyzed in the main text of the Final Program EIR. This conclusion remains the same and will be part of the Authority Board's record when it considers making new decisions regarding the revised Bay Area to Central Valley Program EIR.

I360-6

The Authority disagrees that limiting the scope of comments to the Revised Draft Program EIR Material is inappropriate. The Authority

requested that members of the public focus their comments on the new information and analysis contained in the Revised Draft EIR Material and stated that the Authority's legal obligation extended to responding only to those comments related to the new materials. The Authority's request is based on CEQA Guidelines section 15088.5, applicable to situations like the current one where a lead agency must revise and recirculate only a portion of a prior Final EIR. The current EIR process is specifically intended to comply with the judgment from the Town of Atherton litigation and that judgment found that only those issues in the revised materials required further CEQA compliance.

I360-7

The May 2008 Final Program EIR summarized support for the Pacheco Pass network alternatives and the Altamont Pass network alternatives. The Revised Draft Program EIR Material included an updated version of this information based on input received through March 2010. This information was provided to the public and the decision-makers to identify the wide divergence of opinion with and the controversy over which pass for the HST system should connect the Bay Area to the Central Valley.

I360-8

The Revised Draft Program EIR Material is specifically intended to address the final judgment in the Town of Atherton litigation. The judgment required the Authority to recirculate the EIR with a revised discussion clarifying the location of HST track between San Jose and Gilroy, impacts on surrounding businesses and residences, construction impacts on Monterey Highway and impacts on UPRR use of it's right-of-way and it's spurs. Chapter 2 of the Revised Draft Program EIR Material clarifies that the alignment would be adjacent to UPRR right-of-way, and not within UPRR right-of-way. Chapter 2 also includes a revised land use, traffic, aesthetics and visual quality, and cultural resources analyses in light of the clarified HST track location. Chapter 3 of the Revised Draft Program EIR Material discusses the potential need for additional property if UPRR right-of-way cannot be used for the HST system. Chapter 3 notes that San Francisco to San Jose is unique because the right-of-way is owned

by Caltrain rather than UPRR. See Standard Response 8 and responses to comment letter O002 (UPRR Comment Letter).

I360-9

Chapter 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Chapter 3.7 of the May 2008 Final Program EIR discuss the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation. Also see Standard Response 5.

I360-10

The use of "exclusive guideway" and "shared guideway" are discussed in Chapter 2, Alternatives, in the 2005 Final Statewide Program EIR. The reasons for removing alternatives, some with exclusive guideway, are documented in Chapter 2 of the Final Statewide Program EIR and Appendix 2-G of the 2008 Final Program EIR. The HST system predominately uses infrastructure completely dedicated to HST compatible services (exclusive guideway). The Caltrain right-of-way from San Francisco to San Jose is recommended as a "shared-use" or "shared guideway" section (see 2008 Final Program EIR and Chapter 7 of the 2010 Revised Program EIR Materials). UPRR does not own the right-of-way between San

Bay Area to Central Valley High-Speed Train Revised Final Program EIR
Francisco and San Jose. See Standard Response 9 and responses to comment letter O002 (UPRR comment letter).

I360-11

Impacts to aesthetics and visual resources are discussed in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Chapter 3.9 identified potential visual impacts of the HST including catenary, soundwalls, fencing, electrical substations, overcrossings, bridges, tunnel portals, walls, stations, and support facilities. As noted in Chapter 3.9, the Authority is committed to working with local agencies and communities during subsequent project-level environmental review to develop systemwide design elements that draw from the best practices worldwide and work at the project-level of design and analysis to develop context-sensitive aesthetic designs and treatments for HST infrastructure. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I360-12

Visual impacts related to elevated structures and soundwalls were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Shadow impacts were also identified in Chapter 3.9 of the May 2008 Final Program EIR as an issue to be analyzed at the project level. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

Response to Comments from Individuals

I360-13

Visual impacts related to vehicle and pedestrian overcrossings and undercrossings were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapters 2.4 and 4.1 of the Revised Draft Program EIR Material. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

Comment Letter I361 (Danielle Davenport, April 25, 2010)

I361

Kris Livingston

From: Danielle [davenport2lydford@yahoo.com]
Sent: Sunday, April 25, 2010 9:38 AM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material
Attachments: Davenport April 23 EIR Comments.docx

Danielle Davenport
 13345 Foothill Avenue
 San Martin, CA 95041

25 April 2010

California High Speed Rail Authority
 Attn: Dan Leavitt, Deputy Director
 925 L Street, Suite 1425
 Sacramento, CA 95814

Subject: Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments

Dear Mr. Leavitt:

I am writing in response to the California High Speed Rail Authority's March 2010 Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Material. I am currently opposed to the California HST project and extremely concerned that the EIR has not addressed all of the associated risks in favor of an aggressive timeline. In my opinion, the groundswell of opposition is mounting and the project will ultimately be stalled by litigation and the budget will be consumed by opposition related expenses.

I361-1

Most importantly, the EIR does not address the changes to project scope and the associated negative impacts as a result of Union Pacific's refusal to share a ROW with the HST system. This will result in an alignment re-evaluation along the San Francisco to Gilroy corridor and beyond. I have attached an addendum which outlines my concerns and is listed on Page 2.

I361-2

In summary and in concept, I am opposed to the HST initiative based on its incompatibility with California's ethos of urban sprawl. I have studied the variables that accompany high-speed rail implementations and would like to identify a missing critical success factor California HST project. In both Japan and France the initial impetus for the introduction of high speed rail was the need for additional capacity to meet increasing demand for passenger rail travel. This need is due to the flexible inner-city mass transit infrastructure: the ability to travel from point A to point B without the use of an automobile. A key dependency for HST success is the integration into city centers that have "hub and spoke" style transit systems. California and more specifically, the proposed HST stations do not integrate into this type of high capacity infrastructure. Even with the best of intentions from our planners for high-density housing and light-rail systems, we cannot retrofit hubs and will not change our culture of living beyond the spoke.

I361-3

Thank you for your consideration,

Danielle Davenport

Danielle Davenport

I. EIR Completeness and Correctness

1

A. Assumption to Share UPRR Corridor

1. Since the completion of the aforementioned document, a change to a critical dependency has been discovered. Specifically, the Union Pacific Rail Road has stated their opposition to sharing their corridor. This fundamentally changes the project landscape and makes the existing analysis irrelevant.
2. The document must be revised: land use, traffic, environmental, cultural and the aesthetics analysis has not been adjusted for non-UPRR corridor alternatives.

I361-4

II. Comments on Existing EIR

A. Aesthetics and Visual Impacts

1. The document fails to address the visual impacts of elevated structures and the associated sound walls proposed as mitigation for noise effects. These structures would represent a significant change to the visual character of the corridor.

I361-5

B. Environmental and Agriculture

1. Direct impacts to agricultural resources would occur if the HST alignment and associated infrastructure (substations, utility lines, etc.) needed to pass through lands that are currently in agricultural use. The document fails to adequately address the loss of prime agricultural land and local value.
2. The document does not address the wide-ranging effects of air and waste remissions (pollution) and noise on biological resources, particularly wildlife and their critical habitat. The harmful effects of pollution have contributed to the listing of numerous species under the Endangered Species Act, yet the document focuses on the direct impacts associated with the loss of habitat. Habitat fragmentation and degradation are not addressed.

I361-6

I361-7

Danielle Davenport
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2

Response to Letter I361 (Danielle Davenport, April 25, 2010)

I361-1

Comment acknowledged.

I361-2

We disagree. One purpose of the 2010 Revised Draft Program EIR Material was to address the land use and property impacts associated with UPRR's position related to use of its right of way for the high-speed rail system.

I361-3

Comment acknowledged.

I361-4

We disagree. See Response to Comment I361-2.

I361-5

Visual impacts related to elevated structures and soundwalls were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Shadow impacts were also identified in Chapter 3.9 of the May 2008 Final Program EIR as an issue to be analyzed at the project level. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I361-6

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as

requiring corrective work under CEQA. Agriculture was not one of those topics. Please see Chapter 3.8 of the May 2008 Final Program EIR. Routes of electrical transmission lines to the HST depend on detailed engineering to determine where the line would interface with the existing power grid and where the feeder lines will connect to the railway. This will be addressed at the project level when sufficient design has been completed.

I361-7

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The analysis in Chapter 3.15 also identifies the need for field reconnaissance-level surveys to be conducted as part of the future Tier 2 project-level environmental analysis. These future surveys will determine specific habitat conditions and impacts along the entire preferred HST network alternative and surrounding areas. This detailed analysis will identify specifically where there are construction and operation impacts, including noise, vibration, and potential pollution concerns, on critical wildlife corridors, wetlands, sensitive habitat, and special-status species. At the project level, alignments would be further designed to avoid or minimize potential impacts. Mitigation strategies identified at the program level will be refined and applied at the project level to mitigate significant impacts. The Authority will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential biological impacts.

Comment Letter I362 (Melisse Basso, April 23, 2010)

I362

Kris Livingston

From: melisseb [melisseb@sbcglobal.net]
Sent: Friday, April 23, 2010 2:44 PM
To: HSR Comments; steve.tate@morganhill.ca.gov; general@morganhill.ca.gov
Cc: jr.delarosa@asm.ca.gov; annacab@sbcglobal.net; alicouncilmembers@ci.gilroy.ca.us; tom.haglund@ci.gilroy.ca.us
Subject: "Bay Area to Central Valley Revised Draft Program EIR Material Comments"
Importance: High

To whom it may concern:

I am writing this e-mail to express my serious concerns regarding the proposed High Speed Railway.

I'm very apprehensive about the City of Gilroy and Morgan Hill signing a Joint Resolution that has influenced the HSRA to consider East 101 alignments. I'm worried about potential health effects, noise & vibration, effects on nearby schools-(my son attends San Martin Gwinn), prime agricultural land-(such as my 1 acre of 100 year old grapes) and the property value of my home.

I362-1

A High Speed Railway in my neighborhood would significantly change the landscape.

Additional concerns are listed below:

(A) Public Meetings

No scoping sessions or public meetings were held anywhere between San Jose and Merced for the Revised Draft Program EIR. South County cities were also not included in the outreach before the Second Draft Program EIR/EIS process. The failure of the California High-Speed Rail Authority (CHSRA) to solicit comments from communities along the South County corridor during the scoping process, the EIR/EIS public review process, or the Revised Draft Program EIR process violates the public review requirements of the California Environmental Quality Act (CEQA), and renders the current Revised Draft EIR inadequate.

I362-2

(B) Agriculture

Direct impacts to agricultural resources would occur if the HST alignment and associated infrastructure (substations, utility lines, etc.) needed to pass through lands that are currently in agricultural use. The document fails to adequately address the loss of prime agricultural land, particularly if the proposed ROW must be relocated away from the UPRR ROW within the San Jose to Gilroy corridor. This relocation could be necessitated by UPRR's refusal to share a ROW with the HST system.

I362-3

Respectfully submitted,

Melisse Basso
 1100 E. Middle Ave.
 San Martin, CA 95046
 (408)-316-0806

Response to Letter I362 (Melisse Basso, April 23, 2010)

I362-1

The Authority appreciates the comment. Site specific impacts regarding noise/vibration and impacts on schools and agricultural land will be part of the subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes. Please see Standard Response 6 regarding effect of the project on property values, communities, and quality of life.

I362-2

The Authority disagrees. South county cities have been included in noticing, scoping, and public hearings/meetings throughout the environmental process. Scoping meetings are not required at this stage of the environmental process. On December 3, 2009, the Authority approved Resolution HSRA 10-012 which rescinded the Authority's certification of the 2008 Final Program EIR, thus continuing the environmental process. Scoping meetings were held in 2005 in San Francisco, San Jose, Livermore, Oakland, Modesto, and Suisun City. See the 2008 Final Program EIR and the Preface of the Revised Final Program EIR regarding notification of the availability and public meetings for the 2005 Draft Program EIR, 2008 Final Program EIR, and the 2010 Revised Draft Program EIR Material. Public hearings were held in 2007 in San Francisco, San Jose, Livermore, Oakland, Gilroy, Merced, Stockton, and Sacramento on the 2005 Draft Program EIR.

I362-3

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 8 of the 2008 Final Program EIR and Chapter 7 of the Revised Draft Program EIR that discuss the relative environmental impact differences between preferred Pacheco Pass network alternative and the most promising Altamont Pass network alternative. Based on this information, the U.S. EPA and the U.S. Army Corps of Engineers concurred that the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008.

Comment Letter I363 (Martin Engel, March 15, 2010)

15 March 2010
 Dan Leavitt
 California High-Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814
 Attn: Bay Area to Central Valley Revised Draft Program EIR



These comments are limited to a portion of the San Francisco to San Jose segment of the CHSRA development project.

The program-level EIS/EIR addressing the Caltrain Corridor development and use by the rail authority failed to adequately acknowledge its adverse impact on the URBAN ENVIRONMENT of the Peninsula and appropriate mitigation proposals. That failure exists again in the current revision of the program-level EIS/EIR.

To that end, I am providing an alternative alignment option intended to become the preferred alignment. It takes into account the needs of the four major stakeholders, the CHSRA, Caltrain, Union Pacific, and the impacted communities -- Atherton, Menlo Park, and Palo Alto.

It is possible to expand this alignment both north and south, depending upon the wishes of Redwood City and Mountain View.

This alignment involves a seven-mile pair of two track tunnels. Details may be found in Part 2.

The Light at the End of the Tunnel, Part 1

This is Part 1 of a two-part statement about tunneling the proposed high-speed train under the Caltrain corridor through Atherton, Menlo Park and Palo Alto. The first part provides the context and general argument. The second part will describe in greater detail how this alternative - tunneling -- would work.

The underlying premise of this alignment proposal is the intention to achieve a WIN for each of the interested stakeholders, including our communities.

CHSRA will be able to run their trains beneath the Caltrain Corridor in their tunnel. Caltrain will be able to do the same in their tunnel. Hence, two tunnels. However, Union Pacific can have what they insist they need, that is, to be left without interference on the current at-grade tracks. And we, in our three towns will no longer have to anticipate the adverse impact of neither the high-speed train nor the increase in frequency of Caltrain service. Both will be underground, out of sight.

Union Pacific:

Union Pacific's trackage agreement with the joint powers board and their Feb. '09 scoping comments to the rail authority make it clear that they want to be left alone; they will not want to be put through tunnels. They have absolute authority to insist on non-interference with their current operations. They don't have to electrify because they are profitable without it.

As it happens, keeping freights out of tunnels solves a large number of problems for this particular alignment, including the enormous additional expense for a larger diameter tube, extensive venting, and requiring longer 1% gradient slopes leading into both portals of the tunnel.

Some people suggest that Union Pacific is holding out for a deal. I don't believe that. Others suggest that they should just go away. That won't happen. Some people want to put the freight underground as well. We have pointed out that this entails significant additional cost increases, and Union Pacific will likely reject it. Some have sought air rights for development on the corridor. Without JPB as well as UP concurrence, that can't happen, and approval is highly unlikely.

The Cost Issue:

As we have been told many times, the cost issue is the most pressing objection to full-bore tunneling and that alternative will be rejected out of hand, certainly by the CHSRA, even if proposed by the consultant contractors conducting engineering development and design. That, however, does not make it a dead issue. I do believe we have bargaining leverage that we have not yet ramped up.

The immediate reaction of most people is that tunneling is far more costly, per mile, than any other alignment. However, when the offsets are fully accounted for, it is no longer the case that tunneling remains "unaffordable." By adding in the necessary additional costs to a trenched, elevated or at-grade solution, those combined costs approximate full-bore tunneling costs. Of course, we will need real, not hypothetical numbers, to pencil this equation out. The recent BART/Berkeley tunnel turned out to be far less costly than originally proposed.

Another aspect of costs that the rail authority never mentions is what the costs will be if they don't tunnel, and upon whom those costs will fall. If they run through our three towns elevated, as is likely, what will be the costs to the cities from the construction impact? What about business closings and losses? What about property devaluations, both commercial and residential? Who eats those costs? There will be very expensive adverse impacts on every city they go through and there has yet been no conversation about compensation for our communities. We have a legal sledgehammer in our toolbox and we will use it.

Regardless of what tunneling costs are, they will amortize over the life of the rail system. When people state that tunnels are too expensive, I don't know what that means. One can make a compelling case that this entire project is 'too expensive!'

Comment Letter I363 - Continued

One can also make a compelling case that tunneling is the cost of 'doing business' running trains through urban areas. It is not 'excessive,' it is a normal development cost, used worldwide, for moving trains under rather than through major cities.

Underground Logic:

The rail authority argues that population growth in California will increase to 50 million by 2030. That suggests we can expect far higher population density and urbanization on the Peninsula. Running the trains underground is therefore an appropriate goal of the highest priority in keeping with urban development best practices.

So, this plan is intended to be a 'win-win-win-win.' Caltrain, CHSRA, Union Pacific and we, the communities in Atherton, Menlo Park, and Palo Alto, would all benefit, or at least, not be harmed. (We would no longer be NIMBYs. We would become UMBYs, 'under my back yard.' And the two major trains? Out of sight, out of mind.)

Light at the End of the Tunnel, Part 2

There are four major stakeholders whose needs must be met:

1. CHSRA
2. Caltrain
3. Union Pacific
4. Atherton, Menlo Park, Palo Alto

What does this tunneling model look like?

- There will be a 45 ft. tube, a 45 ft. separation, and another 45 ft. tube. They will be 100 ft. or more below ground. Both tubes will be fully sealed against below-water-table compacted soil, and impervious to external adverse conditions.

- The twin tunnels will be approximately 7 miles long, from 5th Ave. in Redwood City south to San Antonio Road in Palo Alto. Of course, the tunnels could be extended as far north and south as those respective neighboring cities desire.

- Each tube will contain two tracks, electrified and vented for 110 -125 mph trains (but not for Diesel).

- One tube will be dedicated for HSR, the other for Caltrain. Union Pacific remains on current tracks, which will support both Caltrain and Union Pacific during the years of construction. There will be no other alterations to the rail corridor whatsoever. (No grade separations; no electrification will be necessary.)

I363-2
cont.

- Four stations for Caltrain tunnel: Atherton, Menlo Park, University Ave., California Ave. in Palo Alto will remain where and as they are, at-grade. Platforms will be belowground, in the tunnels. There will be access by escalators and elevators (ADA).

- If there is to be a HSR station in mid-Peninsula, it would merge with the Caltrain station with shared access to all platforms.

- Instead of eminent domain takings at the surface, this alignment requires belowground land use easement agreements only from property owners and/or cities directly above tunnels. Tunnels can be in straight segments from station to station; they do not have to shadow surface corridor contours.

Construction:

- Both tubes are full-bore construction using tunnel boring machine (TBM) technology. Excavated fill can be re-purposed for other HSR construction uses such as berms or retained fill walls.

- There need to be only two construction easements, approximately 5 acres each, one at each pair of portals.

- To obtain a 3% gradient transition from at-grade to a depth of 100 ft., a short section of trenching will necessarily precede each portal.

Cost-benefits of tunneling not available for trenching, at-grade or elevated alignments:

- No need for shoofly temporary rail corridor and tracks. Current tracks can serve that function.

- No need for grade separation construction. Current street crossings require no redevelopment or alteration.

- No need for eminent domain property takings, temporary or permanent, except at portal sites.

- No need for any Union Pacific freight accommodations. UP can continue its freight service (3 or 4 trains daily) throughout the day, rather than at night. Leaving UP as is provides significant construction cost savings.

- No need for construction easements other than at portals. Construction easements will be essential for trenching, at grade, or above grade construction throughout the corridor.

- No need for inverse condemnation lawsuits related to business and property value losses. There will be no need for partial takings.

I363-2
cont.

Comment Letter I363 - Continued

•Tunneling goes beneath or through what would otherwise be physical and technical challenges such as sound, vibration, hydrological, utilities, the creeks, street crossings, etc.

•Tunneling without Union Pacific accommodation permits steeper gradient and thus shorter trench-into-tunnels transitions; 3% slope rather than much longer 1% gradient.

•Tunneling goes well beneath signature Palo Alto Heritage Tree.

•Tunneling leaves all current Caltrain stations in place, as is.

•Tunneling does not interfere with national or state heritage sites, such as Holbrook-Palmer Park.

Cost Benefits:

•Per-mile unit costs diminish with economy of scale. Second mile less expensive than first mile, etc. Second tunnel less expensive than first.

•All of the 'cost benefits' listed above will impose considerable additional costs required for any except the full-bore tunneling alignment option proposed here. Full-cost accounting of each alignment must take all additional necessary collateral offsets into account, such as shoofly tracks and grade separations. Cost comparison among all other alignments vs. full-bore tunneling will demonstrate far more favorable cost comparability than presently accounted for.

•The communities involved intend to seek independent full-cost accounting to verify CHSRA preferred alternative findings.

•CEQA laws require the most efficacious environmental solution, not the lowest cost. Full-bore tunneling will be the least intrusive alignment within an urban environment. Even with higher costs, on environmental grounds it should be the most preferred.

There are no losers, only winners:

•Caltrain, in its own tunnel, gets electrified and grade separated.

•HSR, in its tunnel, gets unencumbered straight tracks to achieve target speeds with acceptable costs.

•Union Pacific gets all its requirements met and obtains sole track access.

I363-2
cont.

Participating communities can accept this solution as fully non-intrusive (out of sight). It will, therefore, be a major benefit for all residential communities along the corridor, putting Caltrain, as well as high-speed rail, below ground.

I363-2
cont.

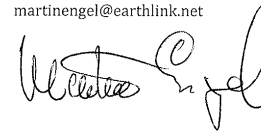
If the California High Speed Rail Authority dismisses this alternative alignment without careful and documented environmental AND financial analysis, it will become clear that the rejection decision was based on exclusively political grounds rather than adherence to legally required CEQA criteria.

I363-3

Failure to respect this statement leaves open the possibility of subsequent and further action. It should not go unnoticed that the increase in resistance to HSR plans on the Peninsula will itself result in expensive time and financial costs that will escalate in the next months and years. The CHSRA can avoid such costly obstruction with an accommodation plan proposed in this scoping comment presentation.

Respectfully submitted,

Martin Engel
1621 Stone Pine Lane
Menlo Park, California 94025
martinengel@earthlink.net



Response to Letter I363 (Martin Engel, March 15, 2010)

I363-1

The 2008 Final Program EIR/EIS and the 2010 Revised Draft Program EIR Material are program documents, providing information and analysis to assist the Authority in making a fundamental choice of a preferred alternative within the broad Bay Area to Central Valley corridor. The analysis is commensurate with the level of detail available for the network alignments. See also Standard Response 2 regarding the tiered planning and environmental processes and Standard Response 3 regarding the level of impacts analysis and mitigation.

I363-2

See Standard Response 10 regarding vertical profile alternatives.

I363-3

Please see Response to Comment I363-1 and 2 above.

Comment Letter I364 (Joseph P. Thompson, March 23, 2009)

I364

JOSEPH P. THOMPSON
 Attorney at Law
 8339 Church Street, Gilroy, CA 95020
 Telephone (408) 848-5506; Fax (408) 848-4246
 E-mail: TransLaw@PacBell.Net

March 23, 2009

Fax: 916-322-0827
 Mr. Mehdi Morshed, Exec. Dir.
 High Speed Rail Authority
 925 L Street, Suite 1425
 P. O. BOX 942874, MS-74
 Sacramento, CA 95814

Re: Public Comment HSRA's Environmental Impact Report SF-San Jose-Gilroy-Merced

Dear Mr. Morshed,

Thank you for allowing members of the public to comment on HSRA's EIR for the San Francisco-San Jose-Gilroy-Merced Segment.

Identity of Author. I am a graduate of San Jose State University, and have done post-doctoral study of transportation law and policy at the Mineta Institute at SJSU. I write only for myself, and not on behalf of a client or organization, but merely to express my personal reply to the EIR for the segment that includes Gilroy, where I have practiced law for more than 30 years.

Background. I here refer to and incorporate by reference: (1) my letter to you dated 3/10/04; (2) letter dated 2/23/09, amended 3/13/09, from Mr. J.S. Jerry Wilmoth, UPRR; (3) Map CA-13, CA-17a&b, and CA-18, *Railroad Atlas of North America, California and Nevada*, pp. 18, 22-23; and Wendell Cox & Adrian T. Moore, *The California High Speed Rail Proposal: A Due Diligence Report*, Reason Foundation, Sept. 2008; Legislative Analyst's Office, *The High-Speed Rail Authority*, March 17, 2009 (see copies enclosed).

Summary. The crucial question facing us with HSR's proposal was concisely stated by the Honorable Norman Y. Mineta: "The crucial question in transportation today is: What should government do, and what should it leave to others."¹ The sound, sustainable answer to Secretary Mineta's "crucial question" lies in the private sector; not in the public sector. With free enterprise as a foundation, high speed rail's owners and investors can combine profitable freight revenue with losing passenger fares, rather than asking the maxed-out taxpayers of California for more tax subsidies for yet another public-sector passenger mode of travel.

¹Joseph P. Thompson, "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law Journal*, pp. 87-*et seq.* (1997).

Comment: Funding Source for Operations. The current proposal does not satisfy the requirements of sound railroading, while it adheres to the tax-dependent method of finance akin to Amtrak, Caltrain and urban mass transit, with only a very small fraction of the overall expenses paid for by the patrons. The underlying assumption that taxpayers can continue to pony-up the subsidies for more government-owned transport is wrong. History shows the proposal to be fatally flawed. All of the State-owned railroads in the Nation failed in 1837-1840. Lincoln knew personally about those failures, so when General Granville Dodge recommended to the President in 1864 that the government own the transcontinental railroad, Lincoln said "no." His theory, which ultimately worked, was that private enterprise own the railroads, but that the government would aid in their construction. When the Nation's railroads were nationalized during World War I, it only took 18 months before the government's mismanagement had brought all our railroads to a screeching halt. So, Congress reversed its previous decision and de-nationalized our railroads. In 1970 during debates in Congress on formation of the National Railroad Passenger Corporation (Amtrak), some members promised that Amtrak "would be profitable in three years." Amtrak has failed to break even, and requires ever-increasing tax subsidies to continue its operations. Our Nation paid dearly for Amtrak's subsidies because on 9/11/01 we did have Amtrak, but we did not have adequate airport security.

The north-south tonnage flows in California, on Hwy. I-5, US 101, and Hwy. 99, represent a source of funding that could, in a private-sector model, duplicate and exceed taxpayers' subsidies in the public-sector model as proposed in the EIR. The French government has announced that it will have Fedex freight transported by that nation's HSR starting next year, so those with experience in operating HSR in Europe have apparently resorted to freight revenue as a source of funding. We could reduce air pollution, traffic congestion, and road and bridge support deterioration and maintenance expenses if we diverted some of that tonnage onto HSR. I have said this to the HSRA since before its creation when it was a Commission.

I believe that reliance on tax subsidies ought to be deemed unfeasible, given the tax/fee burdens already imposed on Californians by all levels of government, not to mention the even larger burdens which our generation is imposing on future generations.

Rather, the manner in which railroads were originally created, and funded, freight revenue combined with losing passenger fares, ought to be the funding formula upon which the HSR is created and maintained.

As the LAO's Report states (page 5), the HSR service should "not require an operating subsidy." A feasible "funding source . . . for future years . . ." (page 6, LAO's Report) exists now and will exist into the future: freight revenue. As with freight moving in the bellies of airliners, HSR can transport freight, thereby decreasing air pollution because the fuel savings per ton/mile is about 75% compared with rubber tires hauling freight on concrete or asphalt. The profit made moving freight can offset the losses sustained transporting passengers. Overnight shipments between Northern and Southern California can be transported without interfering with daytime, commute hours.

Comment: UP's Property Rights.

In addition to those aspects identified by Cox and Moore ("Reason Report"), the UP's Coast Main Line, which is part of its incomparable interstate railroad, and considered by many to be the best railroad in the whole world, if not in America, is entirely its to own, for its shareholders' benefit. The Nation's national security and interstate commerce justify the position paramount to lesser entities, the States, and local government, which the courts have repeatedly upheld on federal preemption grounds. A look at the Maps of UP's tracks in the SF Peninsula, San Jose, and South Bay

Comment Letter I364 - Continued

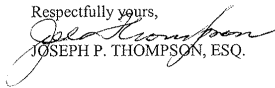
Area show that the current HSRA proposal is impossible without UP's consent. Since UP has not given its consent (Mr. Wilmoth's Letter enclosed), the proposed route is not a legally possible route, even if the HSRA could find the tax subsidy money to operate it as currently proposed.

I364-6
cont.

Conclusion. I believe that Secretary Mineta was right. However, HSRA's answer is wrong for California, and impossibly burdensome for its taxpayers in this and future generations. By following our predecessors' example, and having learned from their mistakes, we can have sound, sustainable HSR in California.

I364-7

Caveat Viator!

Respectfully yours,

JOSEPH P. THOMPSON, ESQ.

Response to Letter I364 (Joseph P. Thompson, March 23, 2009)

I364-1

Comment noted. This comment refers to prior comments that were responded to as part of the FRA's and Authority's certified statewide program EIR/EIS (November 2005), see Response to Comments of Joseph P. Thompson, March 10, 2004 (Letter I015). For the response to UPRR letter see Standard Response 9.

I364-2

See Response to Comment I364-1.

I364-3

See Response to Comment I364-1.

I364-4

See Response to Comment I364-1.

I364-5

See Response to Comment I364-1. See also Standard Response 8 regarding the Business Plan.

I364-6

Comment acknowledged. See Standard Response 9 and Responses to Comments 0002-UPRR.

I364-7

The comment expresses opposition to HSR in California. Comment acknowledged.

Comment Letter I365 (Joseph Thompson, March 10, 2004)

I365

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 8339 Church Street, Gilroy, CA 95020
 Telephone (408) 848-5506; Fax (408) 848-4246
 E-mail: TransLaw@PacBell.Net

March 10, 2004

Fax: 916-322-0827
 Mr. Mehdi Morshed, Exec. Dir.
 High Speed Rail Authority
 925 L Street, Suite 1425
 P. O. BOX 942874, MS-74
 Sacramento, CA 95814

Re: Public Comment HSRA's Environmental Impact Report

Dear Mr. Morshed,

Thank you for allowing members of the public to comment on HSRA's EIR, which I read at Gilroy's Public Library. It was good seeing you again outside the Capitol in Sacramento

Identity of Author. I am a member of SBC Safe Kids Coalition and Citizens for Reliable And Safe Highways (CRASH), and COG's Rail Advisory Committee, the Legislation, Arbitration, Intermodal and Freight Claims Committees of the Transportation Lawyers Association, the Association for Transportation Law, Logistics & Policy, Conference of Freight Counsel, and a candidate for the American Society of Transportation and Logistics, and other professional organizations in our community, our State and our Nation. I have 41 year experience in the transportation industry here in the South Bay Area and Central California Region. I have had the good fortune to do post-doctoral study of transportation law and policy at the Mineta Institute at SJSU, TRB at Georgetown University, and the Library of Congress. My comments are merely my own, however, and not submitted on behalf of RAC, TLA, ATLLP, AST&L, CFC, or any organization to which I belong, but are only my own ideas as a post-doctoral student of transportation law and policy.

Background. I appeared before HSRC five times and made public comments (SF, LA, Fresno, Bakersfield and San Jose). Please refer to my previous letters to your predecessor Mr. Leavitt, and to Honorable Quentin Kopp, Honorable Edward Jordan, and Honorable Michael Tenenbaum (see copies enclosed).

Summary. Despite the shortcomings of private sector transportation, the history of the last century proves that nationalized industries, e.g., transport, spell certain defeat and doom for nations that adopt public-sector, nationalized transportation. While carriage of passengers by rail is desirable, creating a public-sector Frankenstein is a cure worse than the illness. Maybe socialized countries like France, Germany, Sweden, etc., have enough history and residents invested in governmental solutions, but American ideals of freedom, independence, democracy and capitalism should not be

sacrificed to the False God of Socialism. From rickshaws to bullet trains to lunar escalators, private sector solutions, like our existing railroads, i.e., UP, CSX, BN-ATSF, etc., are what our government should be creating and encouraging. Mistakes like Amtrak, BART, Lite Rail, etc., only burden the taxpayers with ill-considered socialist philosophy. Marx, Engels, Lenin, Trotsky and Stalin were wrong in their day, and their ideas are wrong for America.

I365-1
 cont.

As I said to HSRC, if you put enough UPS, Fedex, and Postal Service tonnage on HSRA's trains, then you would not need to ask the taxpayers for a dime. Your idea for a Soviet-style horizontal elevator, funded by taxes, is something that Californians don't need and cannot afford. Like Wells Fargo, HSRA's idea could work if you combined freight revenues with passenger fares. All the externalities that Senator Costa mentioned are insufficient justification to place this albatross on future generations.

I365-2

Comment. I here restate my opposition to you as I presented at five of HSRC's meetings, and direct your attention to my paper, which I wrote while doing post-doctoral study at the Mineta Institute at SJSU, "ISTEA Reauthorization and the National Transportation Policy," 25 *Transportation Law Journal*, pp. 87-*et seq.* (1997), which was published in shortened version as "ISTEA Reauthorization and the National Transportation Policy: Overlooked Externalities and Forgotten Felt Necessities," *Transportation Lawyer* (Dec. 1997). The fundamental unsoundness of your HSRA plan for California's bullet train is best understood in comparison with the critical thinking of JFK School of Government and Harvard University Professors José A. Gómez-Ibáñez and John R. Meyer, *Going Private: The International Experience with Transport Privatization* (Wash. D.C.: Brookings Institution, 1993), and also John D. Donahue, *The Privatization Decision: Public Ends, Private Means* (New York: Basic Books, 1989). It is time for us to join the world-wide "privatization revolution," not build more government. If we defeated the USSR, then why should we adopt their failed economic philosophy.

I365-3

Caveat Viator!

Respectfully yours,

JOSEPH P. THOMPSON, ESQ.

Encl.

cc: Editor Gilroy *Dispatch*

cc: HSRA Members via Mehdi Morshed

I365-1

Comment Letter I365 - Continued

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Jerry Wilmoth
General Manager Network Infrastructure

California High-Speed Rail Authority
Page 2

February 23, 2009

February 23, 2009

California High-Speed Rail Authority
Attn: San Francisco to San Jose HST Project EIR/EIS
925 L Street, Suite 1425
Sacramento, CA 95814

Re: Union Pacific Railroad Scoping Comments For Joint EIR/EIS

Dear High-Speed Rail Authority,

Union Pacific Railroad Company submits the following comments in response to the High-Speed Rail Authority's (Authority) Notice of Preparation pursuant to CEQA dated January 8, 2009, concerning the Project Environmental Impact Report/Environmental Impact Statement for the San Francisco to San Jose segment of the high-speed train system (HSR). These comments also respond to the Notice of Intent pursuant to NEPA published by the Federal Railroad Administration in the Federal Register on December 29, 2008. Union Pacific understands that the Authority and the FRA will jointly prepare the EIR/EIS for this project.

Union Pacific Railroad Company (Union Pacific) is a Delaware corporation that owns and operates a common carrier railroad network in the western half of the United States, including the State of California. Specifically, Union Pacific owns and operates rail main lines connecting the San Francisco Bay Area to Sacramento and points east and north, and to Los Angeles and points east and southeast. Union Pacific is the largest rail carrier in California in terms of both mileage and train operations. Union Pacific's rail network in the Bay Area is vital to the economic health of California and the nation as a whole. Union Pacific's rail service to customers in the Bay Area is crucial to the future success and growth of those customers.

Union Pacific previously submitted comments on the Bay Area to Central Valley HST Program EIR/EIS by letter dated July 7, 2008, from Mr. Scott Moore to Mr. Quentin L. Kopp of the Authority's Board (copy attached). Union Pacific reaffirms these comments and hereby incorporates them within this letter. By letter dated May 13, 2008, to Mr. Mehdi Monshed, the Authority's Executive Director (copy attached), the undersigned stated that it was not in Union Pacific's best interests to permit any proposed high-speed rail alignment on our right of way. This remains Union Pacific's position on this matter.

Union Pacific submits the following comments with reference to the scoping of the joint EIR/EIS for the San Francisco to San Jose segment of the high rail system.

- 1) Union Pacific formerly owned and operated the Caltrain (PCIPB) right of way between San Francisco and San Jose that is proposed for the HSR system. Union Pacific sold the right of way to PCIPB in 1991 and retained a permanent and exclusive easement for the operation of freight trains and for the delivery of common carrier rail service over the entire line. Union Pacific also retained all rights and obligations relating to intercity passenger service provided by Amtrak or any other operator, at Union Pacific's sole election, operating over this line (currently no Amtrak or intercity passenger service trains operate over this right of way except between San Jose and Santa Clara). Union Pacific's permanent easement for freight and Amtrak service over this line is a valuable property and operational right that must not be impaired by construction and operation of the HSR. The Authority must protect such rights and mitigate all adverse impacts to Union Pacific's satisfaction.

- 2) In addition to retention of the easement rights outlined above, Union Pacific entered into an operating contract with the PCIPB at the time of sale setting forth Union Pacific's rights with respect to freight services on the line. Union Pacific has notified the PCIPB that it expects the PCIPB to protect Union Pacific's rights under this contract in any arrangement that might be made with HSR. The Authority must be aware of and protect Union Pacific's rights under this contract as well. All adverse impacts must be mitigated to Union Pacific's satisfaction.

- 3) As a common carrier railroad, Union Pacific is subject to the requirements of federal law governing abandonment or discontinuance of freight operations. Specifically, the Interstate Commerce Commission Termination Act (49 USC §10501 et seq.) prohibits a railroad from abandoning or discontinuing freight services over main or branch lines of railroad without authority from the federal Surface Transportation Board (STB). In the sale of the PCIPB right of way, Union Pacific retained all common carrier freight service rights and obligations. Therefore, Union Pacific's operations over the San Francisco - San Jose line are subject to STB jurisdiction. Neither the PCIPB nor the Authority may take any action that effectively requires or causes Union Pacific to abandon or discontinue freight service unless prior authority from the STB has been obtained. Union Pacific will deem any attempt by HSR to interfere with Union Pacific's property and contract rights on the San Francisco to San Jose line as an attempt to force a de facto abandonment of freight service in violation of federal law.

- 4) Union Pacific currently operates freight trains over the PCIPB right of way from San Jose to the Quint St. lead in San Francisco. The Quint St. lead diverges from the main line immediately north of Tunnel 3, near Jerrold St. Union Pacific's right to operate freight trains over the PCIPB extends to the entire width of the right of way over all available trackage. Union Pacific freight operations must not be adversely impacted by construction or operation of the HSR. All significant impacts must be mitigated to Union Pacific's satisfaction.

- 5) Union Pacific currently serves the Port of San Francisco via the Quint St. lead track. The port has advised Union Pacific that it intends to continue existing rail freight services and to encourage future growth in rail freight to and from Piers 20-90. Union Pacific is informed and believes that the port intends to enter into arrangements with tenants and pier operators that will cause future growth in rail operations. Union Pacific has concerns of serving the port other than via the Quint St. lead. The Authority must not undertake any action that interferes with freight operations via the tunnels and the Quint St. lead without mitigation of all significant impacts and prior approval from Union Pacific and the port.

- 6) Union Pacific currently serves a number of customers at or near the Port of Redwood City via the Redwood Jet. lead track. These customers, including Granite Rock and the port, have advised Union Pacific that they intend to continue all existing rail freight services and likely will demand additional freight services in the future. Union Pacific has no means of serving the port and the adjacent customers except via the PCIPB main line and the Redwood Jet. lead track. The Authority must not undertake any action that interferes with operations via this lead track without prior approval from Union Pacific, the port and the customers at this location.

- 7) Union Pacific currently serves a number of customers at other locations on the PCIPB San Francisco to San Jose line, including Granite Rock at South San Francisco. The existing yard at South San Francisco is crucial to Union Pacific's ability to provide

UNION PACIFIC RAILROAD 10091 Foothills Blvd., Roseville, CA 95747 ph. (916) 760-5360

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California High-Speed Rail Authority
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- freight service to the Port of San Francisco and to Granite Rock and other customers adjacent to the yard. The Authority must not undertake any action that interferes with
- 8) operations at the yard and adjoining trackage without prior approval from Union Pacific, the port and the customers at this location.
 - 9) Union Pacific owns and has primary operating rights on Main Track No. 1 between Santa Clara (CP Coast) and Diridon Station (San Jose). This track currently is shared with Amtrak's Capitol Corridor and Coast Starlight services and with Altamont Commuter Express's Stockton - San Jose commuter service. Union Pacific's rights to this track are crucial to continued operation of these passenger services. Use of this track also is crucial to freight service on the line to San Francisco. Further, these rights support continued operation of freight service on the main line south of San Jose to Los Angeles. The Authority must not undertake any action that interferes with Union Pacific's ownership and operation of Main Track No. 1 without prior approval from Union Pacific and the commuter agencies identified above. All adverse impacts must be mitigated to Union Pacific's satisfaction.
 - 10) PCJPB owns the right of way south of Diridon Station to a point called Lick (approximately three miles south of the station). Union Pacific's rights with regard to Main Track No. 1 extend southward to Lick. All comments in (8) above are applicable to the Diridon - Lick portion.
 - 11) Union Pacific has complete ownership of and control over the railroad right of way from Lick to Gilroy (and southward to San Luis Obispo and Los Angeles (Moorpark)). The PCJPB and the Santa Clara Valley Transportation Authority have a contract right to operate up to ten commuter trains to and from Gilroy over Union Pacific's right of way. Neither agency has any ownership rights in this line and no contractual rights to allow third parties to use this line. Union Pacific has no intention of allowing or permitting the Authority to build or operate the HSR within Union Pacific's right of way southward of Lick. The Authority should take this into account as part of the EIR/EIS for the San Francisco - San Jose segment.
 - 12) The Authority must study the following matters as part of the EIR/EIS and all necessary mitigation measures must be implemented:
 - (i) Slow speed freight trains and high-speed trains are incompatible on the same tracks at any time, including cross-overs. Union Pacific requires overhead clearance of 23 feet 6 inches, which is higher than the Authority contemplates for its electrical system. The Authority must provide grade-separated cross-overs for freight trains at necessary locations. The Authority must not contemplate operation of freight trains on any HSR trackage at any time (and vice-versa). If necessary, completely separate freight trackage must be provided. HSR must comply with all applicable FRA regulations.
 - (ii) Mitigation measures for the HSR may include construction of new freight trackage for Union Pacific. Such trackage must meet Union Pacific's construction and operation standards, and must be compliant with FRA and California Public Utilities Commission applicable standards.
 - 13) The construction and operation of HSR in the San Francisco to San Jose right of way must not cause increased operating costs or operating inefficiencies for Union Pacific. The Authority must assume Union Pacific's liability exposure and risk arising from current and future freight operations in the same corridor as the HSR. The Authority should fully study means to indemnify and insure Union Pacific against all such liability or risk, including liability to HSR patrons.

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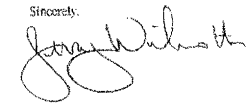
California High-Speed Rail Authority
Page 4

February 23, 2009

Union Pacific is confident that its concerns listed herein will be fully addressed and mitigated by the Authority and FRA during the EIR/EIS process. Union Pacific is willing to meet with the Authority and FRA to discuss its concerns about high-speed rail operation and to better understand the Authority's intentions regarding use of Union Pacific rights of way. Following such meeting, Union Pacific will be glad to consider all future requests by the Authority for information, construction standards and mapping data.

Please direct all requests and correspondence to the undersigned.

Sincerely,



Enclosures (2)

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PERSONAL HEADQUARTER

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PERSONAL HEADQUARTER

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Scott D. Moore
Vice President-Public Affairs

2008

William F. Kopp
California High-Speed Rail Authority Board
1425
Street, Suite 1425
San Jose, CA 95134

Final Bay Area to Central Valley HST Program EIR/IS

William F. Kopp:

Union Pacific Railroad Company (UPRR) appreciates the opportunity to provide following comments to the High-Speed Rail Board with respect to the above-referenced EIR/IS.

UPRR wishes to emphasize that we are not opposed to the concept of high-speed rail nor would we oppose implementation of the project should the voters approve the issue in November. Our concern is that the project should not be designed to utilize up any of our rights of way. Our rights of way are limited in width and are fully dedicated to freight service, and, in some instances, to commuter passenger trains. UPRR cannot meet the future freight transportation needs of California if our right of way is taken away for high-speed rail.

To respond to the specific corridors proposals for high-speed rail, UPRR points out our San Jose to Gilroy right of way is very narrow by railroad standards - only 60-feet or less - and is bounded on one side by a major arterial highway. We cannot give up a 50-foot exclusive width right of way to high-speed rail and remain in business.

Even though our right of way is wider (primarily 100-feet) along most of the Central Valley line, a loss of 50 feet would render future freight rail expansion infeasible. As fuel prices rise and the nation becomes more concerned with the environmental effects of transportation, we need the ability to expand our infrastructure capabilities substantially. In addition, we serve numerous industries on both sides of our Central Valley line. High-speed rail would cut off, forever, our ability to expand capacity in the Central Valley, leaving California with only highway alternatives. It also would disrupt existing rail-served businesses and prevent new rail-served industries from locating on or both sides of our rail line. This is not a wise transportation decision for the State.

Regarding Caltrain's San Francisco - San Jose corridor, UPRR does not own the right of way but has a freight easement over Caltrain's tracks. Our freight operations already are restricted to avoid delaying Caltrain's commuter trains. Imposing two exclusive high-speed rail tracks on a 50-foot right of way effectively will end our ability to provide freight service to customers on this corridor, including the Port of San Francisco. We will have the same concerns between Sylmar and Los Angeles, where Metrolink's commuter line right of way is designated for high-speed rail service.

An effective and efficient freight rail network is vital to California's economic future. Policy makers such as the high-speed rail board should not jeopardize UPRR's ability to provide such freight service by assuming that high-speed rail will have no impact. UPRR urges the board to carefully consider corridor routes that do not utilize our rights of way.

Sincerely,

Scott D. Moore

cc: Mehdi Morshed, California High-Speed Rail Authority
Jerry Wilmoth, Union Pacific Railroad
Wesley Lujan, Union Pacific Railroad

UNION PACIFIC RAILROAD 10531 Peachtree Blvd., Roseville, CA 95747 (916) 789-4633

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REGIONAL HEADQUARTER

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REGIONAL HEADQUARTER

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May 13, 2008

Mr. Mehdi Morshed
Executive Director
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, California 95814

Re: California High Speed Rail Route

Dear Mr. Morshed,

Reference is made to our meeting of May 9, 2008, to discuss the current status of the California high-speed rail initiative and its possible impacts on Union Pacific Railroad.

It was a very informative meeting to hear the efforts you are undertaking as the high-speed train bond measure is being prepared for the November, 2008 ballot.

After hearing your plans regarding the proposed routing for this service, Union Pacific feels it is important for the California High Speed Rail Authority (CHSA) to once again understand Union Pacific's position as related to potential alignments along Union Pacific corridors. Union Pacific has carefully evaluated CHSA's project and for the variety of reasons we discussed during our meeting, does not feel it is Union Pacific's best interest to have any proposed alignment located on Union Pacific rights-of-way. Therefore, as your project moves forward with its final design, it is our request you do so in such a way as to not require the use of Union Pacific operating rights-of-way or interfere with Union Pacific operations. The State of California and the nation need railroads to retain their future ability to meet growing demand for rail cargo transportation, or that cargo will be in trucks on the highways.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Cc: Scott Moore - UP
Wesley Lujan - UP

Jerry Wilmes
General Manager Network Infrastructure

UNION PACIFIC RAILROAD
1001 Foothill Blvd., Roseville, CA 95743
ph (916) 789-5360 fx (916) 789-5171



March 13, 2009

California High-Speed Rail Authority
Attn: San Francisco to San Jose HST Project EIR/EIS
925 L Street, Suite 1425
Sacramento, CA 95814

Re: Amendment to Union Pacific Railroad Scoping Comments for San Francisco to San Jose Joint EIR/EIS

Dear High-Speed Rail Authority

Union Pacific Railroad Company submitted its written comments in response to the High-Speed Rail Authority's Notice of Preparation and Notice of Intent by letter dated February 20, 2009. We have become aware that one of our comments reads incorrectly due to a dropped word. The purpose of this amendment letter is to correct that inadvertent mistake.

Accordingly, the third sentence of section (5) on page two is corrected to read:

"Union Pacific has no means of serving the port other than the Quam St. lead."

Union Pacific presently serves the Port of San Francisco via the Quam Street lead off the PCJPB main line. This is the only track serving the port. There is no alternate route available.

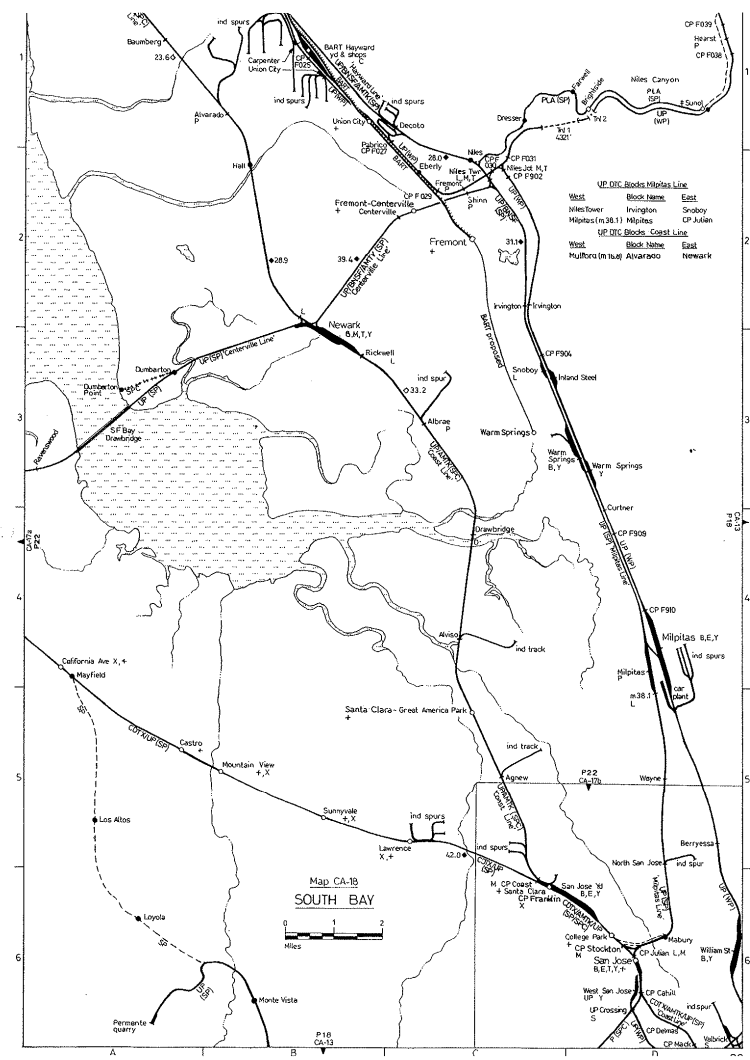
Please incorporate this letter into the scoping comments for the above-referenced EIR/EIS.

Sincerely,

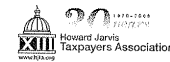
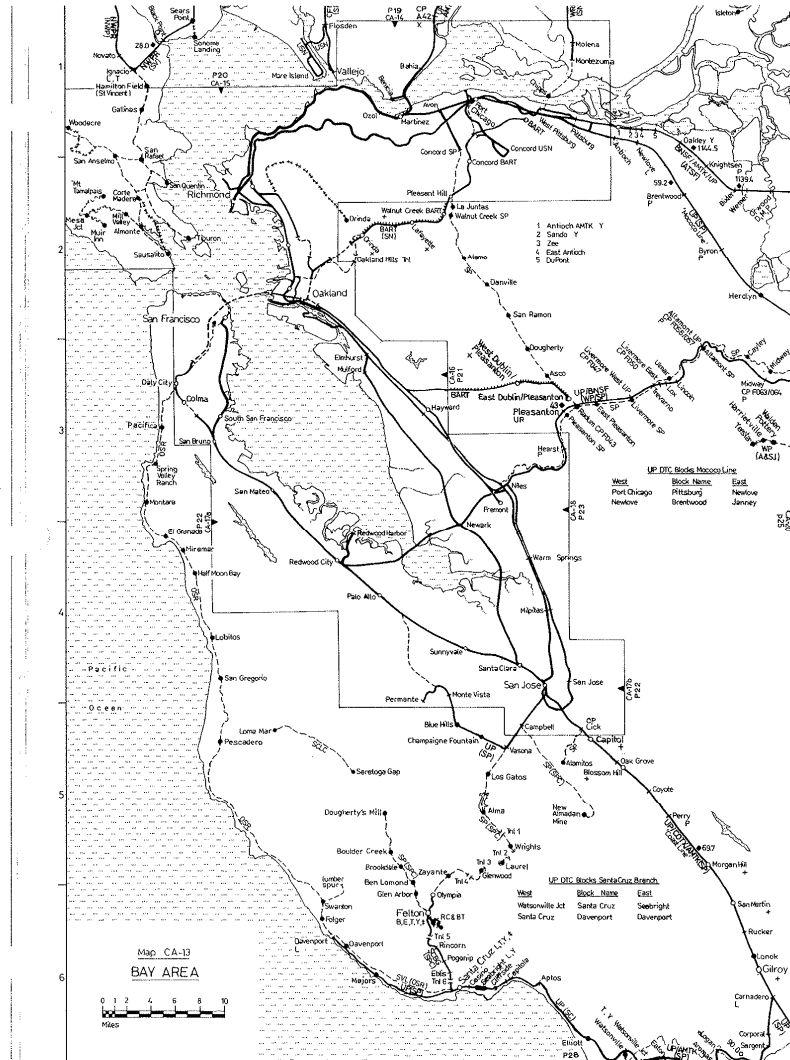
Jerry Wilmes
General Manager Network Infrastructure

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Comment Letter I365 - Continued



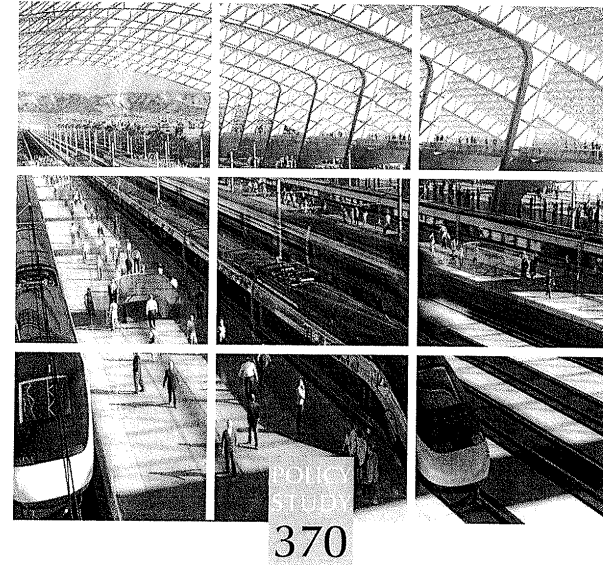
Comment Letter I365 - Continued



September 2008

THE CALIFORNIA HIGH SPEED RAIL PROPOSAL: A DUE DILIGENCE REPORT

By Wendell Cox and Joseph Vranich
Project Director: Adrian T. Moore, Ph.D.



Comment Letter I365 - Continued

**Reason
Foundation**

reason.org

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Citizens Against Government Waste (CAGW) is a private, nonprofit, nonpartisan organization dedicated to educating the American public about waste, mismanagement, and inefficiency in the federal government.

CAGW was founded in 1984 by J. Peter Grace and nationally-syndicated columnist Jack Anderson to build support for implementation of the Grace Commission recommendations and other waste-cutting proposals. Since its inception, CAGW has been at the forefront of the fight for efficiency, economy, and accountability in government.

CAGW has 1.2 million members and supporters nationwide. Since 1986, CAGW and its members have helped save taxpayers \$944 billion. CAGW publishes a quarterly newsletter, Government Waste Watch, and produces special reports, monographs, and television documentaries examining government waste and what citizens can do to stop it.

CAGW is classified as a Section 501(c)(3) organization under the Internal Revenue Code of 1954 and is recognized as a publicly-supported organization described in Section 509(a)(1) and 170(b)(1)(A)(vi) of the code. Individuals, corporations, companies, associations, and foundations are eligible to support the work of CAGW through tax-deductible gifts.



**Howard Jarvis Taxpayers
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hjta.org/hjtf

Howard Jarvis Taxpayers Foundation (HJTF) is devoted to promoting economic education, the study of tax policy and defending the interests of taxpayers in the courts.

The Foundation funds and directs studies on tax and economic issues and works to provide constructive alternatives to the tax-and-spend proposals from our state legislators.

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Reason Foundation

The California High Speed Rail Proposal: A Due Diligence Report

By Wendell Cox and Joseph Vranich

Executive Summary

The purpose of this Due Diligence Report is to examine the proposal to build a California high-speed rail system (HSR) between the San Francisco Bay Area and Sacramento to Los Angeles and San Diego via the San Joaquin Valley. The general plan is to build a system of from 700 to 800 miles with an initial state general obligation bond of \$9 billion and a similar amount in grant funding from the federal government. The balance of what has now become at least a \$54.3 billion system would be provided by private equity investors and commercial bond purchasers. As is noted below, the system has already encountered substantial capital cost increases and this Due Diligence report projects that the final cost of the system is likely to be between \$65.2 billion and \$81.4 billion (2008\$).

The California High-Speed Rail Authority (CHSRA or Authority), which is responsible for the project, anticipates that operating profits will pay for operating expenses, profits to private investors, debt service to commercial bond holders and sufficient revenues to build segments beyond Phase I (downtown San Francisco to Los Angeles and Anaheim). This would include a line from Los Angeles through the Inland Empire to San Diego, a line connecting Sacramento to the system in the San Joaquin Valley, a line through Altamont Pass and an East Bay line from San Jose to Oakland. The CHSRA has expended \$58 million in state funding during the last 10 years planning such a system of "bullet trains."

It is possible that HSR can serve legitimate public and environmental purposes and be a financial success in California. However, the current CHSRA proposal cannot achieve such objectives. The principal message of this Due Diligence report is that CHSRA's plans have little or no potential to

Comment Letter I365 - Continued

be implemented in their current form and that the project is highly risky for state taxpayers and private investors.

The CHSRA plans as currently proposed are likely to have very little relationship to what would eventually be built due to questionable ridership projections and cost assumptions, overly optimistic projections of ridership diversion from other modes of transport, insufficient attention to potential speed restrictions and safety issues and discounting of potential community or political opposition. Further, the system's environmental benefits have been grossly exaggerated, especially with respect to reduction of greenhouse gas emissions that have been associated with climate change.

The CHSRA documentation provides virtually no objective analysis about risks and uncertainties, nor has CHSRA documentation been scrutinized in an independent review. This report is such an effort—which is why it is a Due Diligence Report—one that examines the CHSRA's documentation based on empirical data, historical trends and domestic and international experience.

This report specifically examines the following topics: HSR ridership and revenue, demographics, construction costs, operating costs, financing costs, airport and highway alternatives, train speeds, train designs, safety regulations and standards, greenhouse gas reductions, potential community opposition and historical experience in the United States. Regarding ridership and costs, this report evaluates projections from CHSRA and also develops independent projections.

Financial Prospects

The HSR system can be categorized as a "mega-project," one taking many years to decades and many billions of dollars to construct and put in operation. Such mega-projects run high risks of failing to meet their ridership projections, financial forecasts and other objectives. This analysis compares the CHSRA's proposed system with major HSR systems operating overseas. It is noteworthy that California is proceeding with HSR plans based on assumptions that may be appropriate to European and Asian environments but hold little applicability in the state. Moreover, it is not clear that the world's HSR systems have typically covered their operating and capital costs without subsidies—a determination that would be appropriate in a due diligence process for any commercial HSR proposal.

The CHSRA and state officials are proposing or in the past have proposed sources of public funds to pay for HSR's construction and operation, which include bond issues, sales taxes and matching funds from the federal and local governments. Such an array of public funding is expected to induce private investment. The state Senate Transportation and Housing Committee observed that Californians are being asked to be "investors" in a project based on promises of commercial return. However, most commentary and analysis by the Authority relies on unrealistically optimistic

forecasts, is promotional in nature, and falls far short of conveying the project risks to taxpayers and potential investors.

The CHSRA lacks a comprehensive financing plan. The proposed state bonds would be insufficient to build Phase I, much less the rest of the system. Little appears firm about potential matching funds from federal and local governments and from potential investors. The state Senate Transportation and Housing committee has issued cautionary statements about the availability of matching federal funds. Also, CHSRA advisor Lehman Brothers has outlined risks that can be a barrier to private investment, including cost overruns, failure to reach ridership and revenue projections and political meddling. Meanwhile, the cost of the project continues to grow.

It should give pause that previous HSR projects have been halted in three states—California (for Los Angeles–San Diego), Texas and Florida. The federally sponsored HSR program for Boston–New York–Washington serves only a fraction of its projected ridership and carries a fraction of the passengers that European and Japanese lines carry. Despite such data going back decades, it does not appear that the CHSRA has taken into sufficient account market, costs, financing or community concerns.

In the final analysis, it will be most difficult for CHSRA to obtain sufficient financing to complete the Phase I San Francisco–Los Angeles–Anaheim route. This Due Diligence report concludes that commercial revenues from that route are unlikely to be sufficient to pay operating costs and debt service, much less finance Phase II and other extensions. As a result, it seems highly unlikely that the Inland Empire–San Diego, Sacramento, East Bay San Jose–Oakland and Altamont Pass routes will be built. Further, in the worst case, funding shortfalls could require greater use of improved conventional rail infrastructure in Phase I, which could add hours to the promised travel times.

All of this could lead to negative financial consequences, such as substantial additional taxpayer subsidies, private investment losses, and commercial bond defaults.

Costs and Revenues

To determine a more realistic construction cost estimate, it should first be noted that capital costs have risen 50% to \$49.0 billion in 2008\$ (or \$45.4 billion in 2006\$) at the same time the Oakland–East Bay–San Jose line (referred to as the "Missing Phase" in this report) has been dropped from the plan. It is estimated that including the Missing Phase would raise the cost to \$54.3 billion (2008\$), based upon CHSRA projections. The system, including Phase I, Phase II and the Missing Phase is likely to escalate in costs to between \$65.2 billion and \$81.4 billion (2008\$). Additional segments, referred to as the "Implied Phase" (Altamont Pass, Anaheim–Irvine and the Dumbarton Bridge over lower San Francisco Bay) would raise costs even further.

During severe funding shortages, more expensive urban route sections would be particularly at risk and new HSR infrastructure could be relinquished in place of improvements to existing tracks. The

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HSR trains could gain access by sharing upgraded tracks with slower commuter rail and freight trains on the Peninsula line in the San Francisco area and Metrolink in Los Angeles and Orange County. Trains on such a “skeletal” HSR system would offer slower schedules, which could seriously reduce ridership and revenues.

This report offers a Case Study about what can go wrong should funding be insufficient to complete the Inland Empire line between Los Angeles and San Diego. The Authority may view service to San Diego as part of its continuing mission and revive plans to operate high-speed trains over an upgraded in-place rail alternative—the Coastal Route via Fullerton, Anaheim, Tustin, Irvine, San Juan Capistrano, San Clemente, Oceanside, Encinitas and Del Mar. The route change would likely stir strong opposition in communities that helped stop a former high-speed rail plan.

It is likely that HSR will require substantial additional taxpayer funding to complete Phase I, Phase II, and the Missing Phase or more of the state will go without high-speed rail service than is immediately apparent. Also, it is likely that the system will not generate sufficient revenues to cover either its operating costs or debt service. As result, continuing subsidies from California taxpayers are likely to be necessary and made a permanent part of Sacramento’s annual appropriations process.

Travel Time, Speed and Train Design

Based upon international HSR experience, it appears that the CHSRA speed and travel time objectives cannot be met. As a result, HSR will be less attractive as an alternative to airline travel and is likely to attract fewer passengers than projected. Notably, the CHSRA’s anticipated average speeds are not being achieved *anywhere in the world*, including on the most advanced systems. Additionally, incomplete consideration has been given to California’s urban and terrain profiles where HSR trains must operate more slowly than circumstances allow in, for example, France. This study, by assuming realistic speeds, estimates that a non-stop San Francisco–Los Angeles trip would take 3 hours and 41 minutes—59 minutes longer than the statutory requirement of 2 hours, 42 minutes. In the future, the CHSRA’s travel times may be further lengthened by train weight and safety issues and also by political demands to add stops to the system.

The proposed HSR system appears unlikely to provide travel time advantages for long-distance airline passengers. It is likely that HSR door-to-door travel times would be greater and there would be considerably less non-stop service than air service. Moreover, HSR would be unattractive to drivers in middle-distance automobile markets because little or no door-to-door time savings would be achieved and costly local connections would often be required (rental cars or taxicabs). Another convenience factor is that California urban areas lack the extensive local transit infrastructure that connects with HSR systems found in dense Asian and European urban areas. The HSR system will experience disadvantages and commercial challenges in competing with air and auto travel that have been understated in CHSRA documentation.

No existing European or Asian HSR train capable of meeting the speed and capacity goals of the CHSRA system can legally be used in the United States. The CHSRA’s intention to share tracks with commuter and freight trains complicates designing a train to meet Federal Railroad Administration (FRA) safety and crashworthiness standards that are considered the toughest in the world. The necessary regulatory approvals of an overseas train are unlikely to be achieved without substantial changes in design and weight.

The CHSRA has yet to decide on basic design specifications for a train and has based studies on inconsistent seating capacities of 450-500, 650, 1,175, 1,200 and 1,600 per train. Also, a train redesigned for the U.S. will become much heavier and is thus unlikely to reach promised speeds. In short, the Authority does not have a usable train design and the eventually required modifications could substantially impair operating performance.

Because of the above circumstances it is fair to state that the CHSRA’s train may become the world’s longest and heaviest HSR train—yet be expected to operate at the highest speed current technology permits. It is likely that a series of designs, tests, prototypes and safety reviews never before achieved anywhere in the world must succeed for the CHSRA’s train to become a reality. Any degradation in performance would negate the CHSRA’s assumptions on which it has based travel times, ridership and revenues, energy requirements, GHG emissions, noise generation, capital and operating costs, and overall system financial performance.

Ridership Projections

It appears that the CHSRA 2030 ridership projections are absurdly high—so much so that they could well rank among the most unrealistic projections produced for a major transport project anywhere in the world. Under a passenger-mile per route-mile standard, the CHSRA is projecting *higher* passenger use of the California system than is found on the Japanese and French HSR networks despite the fact that these countries have conditions that are far more favorable to the use of HSR.

The CHSRA’s ridership projections reflect assumptions contrary to actual experience, forecasts inconsistent with independent projections, load factors and other calculations that are highly questionable, and reliance on extraordinarily low fares that are not found on similar systems.

The CHSRA has been increasing forecasted ridership over time and has issued a Base Projection of 65.5 million intercity riders and a High Projection of 96.5 million intercity riders for 2030. The CHSRA ridership projections are considerably higher than independent figures developed for comparable California systems in Federal Railroad Administration and University of California Transportation Center at Berkeley studies.

Using generous assumptions this Due Diligence Report projects a 2030 base of 23.4 million intercity riders, 64% below the CHSRA’s base of 65.5 million intercity riders, and a 2030 high of

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31.1 million intercity riders, nearly 60% below the CHSRA's high of 96.5 million. It is likely that the HSR will fall far short of its revenue projections, leading to a need for substantial additional infusions of taxpayer subsidies.

Greenhouse Gas Reduction

Claims about HSR's environmental benefits have been greatly overstated. California HSR will do little to reduce CO₂ emissions (greenhouse gas emissions). Based upon California Air Resources Board projections, HSR would ultimately remove CO₂ emissions equal to only 1.5% of the current state objective. This is a small fraction of the CHSRA's exaggerated claims of "almost 50%" of the state objective. The Intergovernmental Panel on Climate Change (IPCC) has indicated that for between \$20 and \$50 per ton of reduced greenhouse gases emissions, deep reversal of CO₂ concentrations can be achieved between 2030 and 2050. A McKinsey report indicates that substantial CO₂ emission reductions can be achieved in the United States for less than \$50 per ton. Yet the cost per ton of CO₂ emission removal by HSR is far higher—between 39 and 201 times the international IPCC ceiling of \$50. The reality is that HSR's impact on CO₂ would be inconsequential while being exorbitantly costly.

Hence, HSR's CO₂ emission reduction strategy cannot be legitimately included as an element of a rational strategy for reducing GHG emissions. In view of the untenable traffic impact projections and other factors, CHSRA's claims are considered specious. There is a need for an objective, independent assessment of HSR's CO₂ impacts, including both operations and construction. Until such an analysis is completed, CHSRA should cease making any statements about CO₂ or other air quality impacts.

Safety

Terrorism against rail targets is a concern considering the extent of attacks that continue to occur on rail systems around the world. The Authority appears to have given insufficient attention to this issue notwithstanding the RAND recommendation to industry and government regarding improvements to domestic rail security. The CHSRA documentation provides virtually no evidence that a proper security assessment of the proposed HSR system has been undertaken, nor does it appear that security applications and methodologies elsewhere have been reviewed. The Authority assumes minimal security at HSR train stations and concludes passengers will be spared airport-like security screening and delays. However, should more stringent security measures become necessary, the CHSRA's ridership demand forecasts would be even further undermined. The CHSRA has not issued a low-end ridership forecast based on such a circumstance.

Opposition

Emerging public opposition will likely spread as site-specific urban, suburban and rural impacts become better understood. It is unlikely that the California HSR program will find smooth sailing among impacted communities. This finding is based in part on nascent opposition to the project. Opposition to prior HSR projects has been based on underestimated costs, overestimated ridership, eminent domain and environmental impacts. Also, the credibility of HSR promoters has waned as pledges of "no subsidy" or "only low subsidies" turned into calls for high subsidies. This Due Diligence Report identifies such factors as weaknesses in the CHSRA planning process.

In prior cases opponents have shown great resourcefulness in sustaining campaigns to oppose HSR construction. Opposition could spread, particularly in communities where train speeds and noise would be considered excessive, where massive elevated railways would create a "Berlin Wall" effect that divides communities—a prospect that has caused Menlo Park and Atherton to join in a lawsuit against the CHSRA's environmental review process—or where a history of staunch opposition exists, such as in Tustin or San Diego County.

Diversion from Other Modes of Transport

The assertion that the Highway and Aviation Alternatives to HSR will cost \$82 billion is highly inflated and based on dubious assumptions and fundamental flaws. Examples include the CHSRA proposing far more highway construction than is necessary to accommodate the demand that would exist if HSR were not built. This Due Diligence Report estimates that with realistic estimates regarding highway construction costs and diversion of drivers, HSR could reduce highway construction needs by approximately \$0.9 billion. This immense cost difference illustrates how modest a future role HSR will play in reducing highway congestion. In short, meeting the highway demand that would occur if HSR were not built would require much less investment compared to the cost of HSR.

Also, diversion of air travelers is over-estimated. The CHSRA assumes that airlines will cancel a large share of the flights within California because passengers will have switched to HSR—and the diversion will free up airport capacity and make it possible to avoid costly airport expansions. This is not the experience even on the premier Japanese and French systems, which show that strong air markets remain after HSR corridors are in operation. Moreover, the CHSRA treats the commercial aviation system as if it is static—as if efficiencies to enhance capacity are impossible.

The CHSRA alternatives appear to be of little value in genuine cost analysis and cannot be taken seriously. They are, in fact, little more than "straw men," which have the effect of misrepresenting the choices that are available to policy makers in California, in such a way that HSR, which is exceedingly expensive, is made to appear affordable.

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Conclusion

Considering the factors enumerated above, it appears unlikely that sufficient private funding and public subsidies will be found to finance the complete HSR plan. There are no genuine financial projections that indicate there will be sufficient funds to complete Phase I, much less Phase II or any other phases. It is possible that the system will either be built only in part or not at all.

Claims of profitability could not conceivably be credible under even the most optimistic assumptions, unless some or all capital and debt costs are ignored. This due diligence analysis indicates that the San Francisco–Los Angeles line alone by 2030 would suffer annual financial losses of up to \$4.17 billion, with a small profit possible under only the most optimistic and improbable conditions.

Finally, the HSR system as envisaged in state statute appears highly unlikely to be delivered under the present plan. The taxpayers and potential investors can be appropriately served only by objective analysis, not by the kind of exaggerations and projections that would be expected in brochures promoting speculative real estate investment. That nearly \$58 million in public funds has been spent on such a flawed planning process makes it all the more troubling.

There is little likelihood that the passenger or revenue projections will be met, that the aggressive travel times will be achieved, that the service levels promised will be achieved, that the capital and operating costs will be contained consistent with present estimates, that sufficient funding will be found, or that the system will be profitable.

It is likely that these circumstances will represent an expensive and continuing drain on the state's tax resources. Under three of the four scenarios outlined in this report, an early bond default, taxpayer bailout, and investment losses by private funding participants could occur.

To address a fiscal shortfall, past and present proposals to finance HSR's construction and operation through various federal, state and local taxpayer subsidies could be futile. Hence, the HSR system is unlikely to be completed in any form consistent with the current plan and that even the delivery of a recognizable Phase I could be most difficult. The outcome could mean investors in the project will see no financial returns and the HSR system as proposed could require significant subsidies from California taxpayers in perpetuity.

A summary of the CHSRA and Due Diligence projections is found in Table 1.

Table 1: Summary of CHSRA and Due Diligence Report Projections		
	CHSRA	Due Diligence Report
Annual Ridership: 2030: Base, Intercity Only	65,500,000	23,400,000
Annual Ridership: 2030: Base, Intercity + Commuter	88,000,000	No Projection
Annual Ridership: 2030: High, Intercity Only	96,500,000	31,100,000
Annual Ridership: 2030: High, Intercity + Commuter	117,000,000	No Projection
Capital Cost: Entire System (2008\$): Low*	\$54,300,000,000	\$65,200,000,000
Capital Cost: Entire System (2008\$): High*		\$81,400,000,000
Capital Cost: Phase I (2008\$): Low	\$33,100,000,000	\$39,700,000,000
Capital Cost: Phase I (2008\$): High		\$49,600,000,000
Operating Cost: Phase I (2008\$): Low	\$1,100,000,000	\$1,430,000,000
Operating Cost: Phase I (2008\$): High		\$1,760,000,000
Fastest Non-Stop Express Travel Time: LA-SF	02:38	03:41
Greenhouse Gas Reduction (Tons of CO ₂): 2030**	1,770,000	630,000
Share of California 2020 Goal	1.0%	0.4%
Cost per CO ₂ Ton Reduced: Low	\$1,949	\$7,409
Cost per CO ₂ Ton Reduced: High	\$2,409	\$10,032
Times CO ₂ IPCC \$50-per-Ton Ceiling: Low	39	148
Times CO ₂ IPCC \$50-per-Ton Ceiling: High	48	201
Net Profit: 2030: Phase I: Optimistic Midpoint	No Projection	(\$350,000,000)
Net Profit: 2030: Phase I: Pessimistic Midpoint	No Projection	(\$3,590,000,000)
Unmet Capital Need: Phase I	No Projection	\$7,600,000,000 to \$33,100,000,000
Unmet Capital Need: Entire System	No Projection	\$28,800,000,000 to \$64,900,000,000
Note:		
*Entire system cost. Includes Missing Phase. Does not include Implied Phase		
**CHSRA greenhouse gas reduction adjusted to account for improved automobile and airline fuel efficiency.		

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Part 1

Introduction

The Authority has an ambitious plan to link major metropolitan areas with a high-speed rail system to reduce congestion at airports and on highways. There is a need for a due diligence examination of these plans.

High-speed rail systems have been operating in Japan since 1964, in France since 1981, and on some lines elsewhere in Europe and Asia. (See Part 3, International Experience.) Such service has generated interest in the United States and has been proposed as a strategy to relieve highway and airport congestion in markets of under 500 miles. This, proponents claim, would reduce the necessity for highway and air system expansion. Advocates also claim that significant reductions in greenhouse gas emissions would result as high-speed rail captures a substantial portion of the intercity travel market from automobiles and airlines. The California High-Speed Rail Authority (CHSRA or Authority) has been planning such a system to link major population centers, a system that it states can operate at a profit.

Description of California High-Speed Rail Plan

For travelers, the idea of taking quick train trips between California urban areas can be attractive. It is time to examine the significant differences between the *idea* of and the *multiple realities* of financing the capital costs for construction, paying for its continued operation, and operating the HSR system in a commercial and geographical environment that is quite unlike circumstances found overseas.

The CHSRA described its planned system as follows in March of this year:

The HST [high-speed train] will provide for state-of-the-art, statewide, high performance passenger rail service comprising over 800 route miles for the full system. The Authority has proposed high-speed train service between the major metropolitan centers of the San Francisco Bay Area, Sacramento in the north, through the Central Valley, to Los Angeles, Orange County, the Inland Empire and San Diego in the south. The proposed HRS system is projected to carry between 93 million and 117 million passengers annually by the year 2030.¹

Legislative Requirements

State legislation maintains “that a high-speed passenger train network as described in the High-Speed Rail Authority’s Business Plan is essential for the transportation needs of the growing population and economic activity of this state.”²

Senate Bill 1856, enacted in the 2002 session of the legislature places significant routing and performance requirements on the HSR system, including “maximum nonstop service travel times” for the following corridors:³

- San Francisco–Los Angeles Union Station: 2 hours, 42 minutes.
- Oakland–Los Angeles Union Station: 2 hours, 42 minutes.
- San Francisco–San Jose: 31 minutes.
- San Jose–Los Angeles: 2 hours, 14 minutes.
- San Diego–Los Angeles: 1 hour.
- Sacramento–Los Angeles: 2 hours, 22 minutes.
- Sacramento–San Jose: 1 hour, 12 minutes.
- Inland Empire–Los Angeles: 29 minutes.

SB 1856 requires that the trains be capable of operating at sustained speeds of at least 200 miles-per-hour (mph), or 322 kilometers-per-hour (kph). In fact, the CHSRA’s plans are for the “bullet trains” to operate at up to 220 mph (354 kph). Non-express or “local” trains are required to serve all intermediate stations, and the system is required to have a maximum of 24 stations.⁴

Table 2 provides a summary of the planned HSR system, using CHSRA terminology (Phase I and Phase II) and terminology developed in this Due Diligence report—Missing Phase, Implied Phase, and a Skeletal System that might represent the final system due to funding shortages.

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Table 2: Phases and Systems

Phase/System	Source	Routes
Phase I	CHSRA Current Plan	San Francisco-San Jose-Pacheco Pass-Fresno-Palmdale-Los Angeles-Anaheim
Phase II	CHSRA Current Plan	Sacramento connection (Merced area) to SF Bay Area and Los Angeles; San Diego-Riverside-Los Angeles
Missing Phase	In Earlier CHSRA Plans	Oakland-East Bay-San Jose
Implied Phase	Intermittently referred to by CHSRA and its supporters	Altamont Pass Dumbarton Bridge Anaheim-Irvine
Skeletal System	Minimum system required to allow HSR trains to operate between San Francisco and Los Angeles, though at well above presently anticipated travel times	Gilroy to Palmdale (Entry to downtown Los Angeles, San Jose and downtown San Francisco at conventional commuter rail speeds once existing routes are double-tracked and upgraded.)

Assembly Bill 3034 was still under consideration when this report went to press. If approved by the governor, AB 3034 would allow bond funding to be expended on the Altamont Corridor connecting the Central Valley to the East Bay and from Anaheim to Irvine, in addition to Phase I, Phase II and the Missing Phase.

State Financial Estimates

The 1999 *Business Plan* estimated that the entire system would be built for \$30.3 billion (\$25 billion in 1999\$). The 2005 Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR) raised the estimate to \$40.5 billion. By 2008, documents prepared for a meeting for potential investors indicated that the costs had risen to \$45.4 billion. This figure included \$30.7 billion for Phase I (Anaheim–San Francisco) and \$14.7 billion for Phase II (Sacramento and San Diego extensions).⁵

The Authority adds that “the service provided by the system is expected to yield annual operating surpluses in excess of \$300 million” (in 1999\$).⁶ The most recent declaration was in March 2008 when the CHSRA represented to Governor Arnold Schwarzenegger that “California’s proposed system will bring a \$1 billion annual profit or surplus, once built.”⁷

The CHSRA planners indicate that construction of Phase I would be financed primarily with public funding. Phase I assumes a \$9.95 billion general obligation bond that will be put before the voters in the November, 2008 election. Of that amount, \$9 billion would be directed to the high-speed system while the other \$950 million would be available elsewhere in the state for “feeder systems” such as Amtrak, commuter rail, and local transit agencies with which the HSR system would eventually connect. Proponents have expressed the hope to obtain another \$9 billion in federal

funds to match the money from the bonds; additional financing would be obtained from private investors for completion of the system.

Virtually none of this funding is in place. This broad outline of a financing program has been rendered irrelevant as a result of the huge increases in project costs. At the moment, the CHSRA has no detailed funding plan for the entire system. The CHSRA is also interested in obtaining additional funding from local units of government, such as counties, municipalities and regional transit agencies. Again, none of this funding is in place and in the difficult funding environment that has characterized local governments in California, any material local funding level could be challenging to obtain.

The CHSRA has projected opening the San Francisco–Los Angeles–Anaheim line via San Jose and Fresno in about 2020. A second phase designed to link Los Angeles–San Diego via Riverside, and to connect Sacramento to the system in or near Merced is expected by the CHSRA to begin five to ten years after the initial phase.⁸ In some instances, the planned HSR routes would be longer than highway distances and, of course, are longer than air distances.

Conclusion

The Authority has an ambitious plan to link major metropolitan areas with a high-speed rail system to reduce congestion at airports and on highways. Funding sources for HSR are expected to include riders, state taxpayers, the federal government, private investors and local governments. Some public officials and policy leaders recognize the significant challenges in financing and building the system.

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Part 2

The Necessity for Due Diligence

A California Senate Committee observed that the public deserves a full accounting of the project's risks and benefits because the project has been portrayed as a future commercial success. This study relies on empirical data, historical trends and other data to apply a due diligence process to the proposal.

The Authority has spent \$58 million in public funding to promote and plan for high-speed rail links among the state's major population centers. Due to the magnitude of the project and because the project has been portrayed as a future commercial success, there is a need for a due diligence examination of this plan.

To this end, this work is based on a methodical analysis of the rail proposal—the type that would be conducted by potential investors prior to advancing capital in support of a business proposal, project, venture or transaction. In the business world, due diligence means undertaking sufficient independent analysis to ensure that an acquisition is worth the proposed price.

Addressing Investment Risk

The state Senate Transportation and Housing Committee recently set the precedent for addressing taxpayers as investors and helps set the stage for everything that follows in this Due Diligence Report. Hence, the logic as it appeared in a June 2008 report from the Senate Committee deserves to appear at the onset of this study and is summarized as follows:

The California High-Speed Rail Authority has embarked upon a \$33 billion program to provide high-speed rail service between Anaheim, Los Angeles, and San Francisco. An additional \$7 billion will be required to extend service to San Diego and Sacramento. The project is not being developed as a conventional public works project to be built with pay-as-you-go funding, or by relying on public debt financing. Instead, the Authority is offering California's voters a business proposition. Should the voters approve the \$9.95 billion measure on November's ballot, the Authority is anticipating using the bond revenues and future federal funds to attract a substantial amount of private capital. The Authority's underlying assumption is that the demand for high-speed rail is so strong that it will attract a private consortium to design, construct, finance, and operate the high-speed system, one that

will generate sufficient revenue to repay the consortium's investment, cover the annual cost of operations, and provide a profit. The Authority assumes that the rail service will not require any future operating subsidy from the State of California. This will be a large and complex task given the uncertainty regarding federal funding and the limited state funding allocated to the project. Voters are being asked to make a major commitment. It is, therefore, imperative that voters and policy makers have a full accounting of the project's risks and benefits.⁹

While the Senate Committee review is groundbreaking in presenting a serious discussion of investment risk associated with the project, it does not provide a level of detailed analysis. This report will perform that task. Moreover, the emphasis on risk in this document is justified because the CHSRA business plan is advocacy in nature and perils appear to be understated.¹⁰

In preparation for this study, thousands of pages of CHSRA's documentation spanning approximately a ten-year period have been reviewed. Also, reports from other state and federal agencies and documents from overseas high-speed rail systems have been examined. This report attempts to clarify material facts and outline foreseeable risks that have received insufficient public attention. Hence, it is a Due Diligence Report designed to help policy makers make informed decisions with respect to public funding. The Senate Committee report insists on the value of a prospectus in stating:

The Authority must update its business plan in a format consistent with a standard financial prospectus of the type that is required to be prepared for investors in new stock or bonding offerings. A prospectus discusses the investment opportunity, its financial strategy, its benefits to the investors, as well as the types and level of risk the investors are assuming. It is essential that voters be provided with adequate financial information concerning the project.¹¹

Californians are being asked to be investors in a project being portrayed as a future commercial success, but the CHSRA's documentation often relies on theoretical capabilities or reflects advocacy positions. This study relies on empirical data, historical trends and other data to evaluate key issues related to the program, namely:

- Ridership and marketability
- Demographics
- Costs and overall financing
- Operational issues including safety
- Train Speeds
- Technological developments and limitations
- Greenhouse gas emissions

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- Community factors
- Possible line truncations or route substitutions
- High-speed rail experience elsewhere
- Highway and airport alternative scenarios
- Adequacy of planning

Moreover, this Due Diligence Report follows the admonition of the U.S. Securities and Exchange Commission (SEC) that disclosure documents should “speak to investors in words they can understand. Tell them plainly what they need to know to make intelligent investment decisions.”¹² Indeed, policy makers and private parties *will* be making investment decisions regarding the high-speed system when they make decisions about public funds or commit their own private investments.

Limitations to Review

The following challenges were encountered in this due diligence analysis, as a result of difficulties and inconsistencies in the CHSRA documentation.

- **Reference Years.** At the time of this analysis, the horizon years of the CHSRA source documents are inconsistent. As one example, in some cases the latest available projections are for 2020 while in other cases 2030 projections are available.
- **Data.** Important data have varied widely. For example, various documents differ in the proposed route structures and estimated seating capacity of the high-speed trains. These variables could negatively affect the ridership that can be expected and thus cause a concomitant decline in projected revenues.
- **Costs.** Construction cost estimates are inconsistent. The Senate Committee report cites \$33 billion to build the first phase (San Francisco–Los Angeles–Anaheim) and an overall project cost of \$40 billion. Presumably, this information was obtained from CHSRA. Yet, CHSRA documentation prepared for an investors meeting during virtually the same time frame puts the figure at \$45.4 billion.¹³
- **Ridership.** Variations in CHSRA’s ridership projections claims are extensive and in many cases the data presented appear to be inadequate to support the conclusions reached. The Authority has acknowledged that it has commissioned a new ridership and revenue forecast. However, considering the exceptionally high demand that has been projected, it will be prudent for future forecasts to be subject to independent verification if they are to be considered plausible.¹⁴

Another function of a Due Diligence Report is to bring to attention costs that have been downplayed or overlooked.

- **Risk Minimization.** Environmental impact documents are replete with references to using the Union Pacific Railroad (UPRR) right-of-way. In 2008 when the UPRR declared its unwillingness to sell its land, the Authority’s chairman said he was unconcerned.¹⁵ However, land-purchase costs could increase and re-alignments could affect speeds, marketability and construction costs. A related issue is that landowners facing possible eminent domain proceedings may file legal challenges. Municipalities have already filed suits to require environmental impact statements to be redone.¹⁶ Consequences could include construction delays and cost increases.
- **Employee Injury Risks.** A franchise operator will find exceptional risks regarding worker injuries and payouts. An anachronistic law, the Federal Employers’ Liability Act (FELA) passed in 1908, subjects rail operators to costly, arcane and time-consuming tort-based provisions (all other industries are covered by less onerous no-fault workers’ compensation laws).¹⁷ An attempt to exempt a franchisee from FELA is certain to be met by opposition from the rail labor unions and the trial lawyers’ lobby. It cannot be determined from the CHSRA documentation if such high-cost provisions have been included in operating cost projections.
- **Labor Demands.** A risk exists that labor organizations will demand unique provisions in contracts with high-speed rail operators identical to what they have with Amtrak, particularly a labor protection clause that provides generous severance compensation for up to five years if a job is abolished or moved more than 30 miles. Amtrak’s protection obligations remain significantly higher than those of non-railroad corporations.¹⁸ Because of the strength of railway labor unions, and because it is typical for the federal government to impose labor protection regulations on assistance, it is likely that such provisions would be applied to a California HSR system.
- **Subsidies.** Statements about taxpayer obligations are contradictory. For example, on January 11, 2008, the CHSRA chairman, Quentin Kopp, said at a state Senate Transportation and Housing Committee hearing that another bond measure after the November vote may be necessary if costs continue to rise.¹⁹ Ten days later, on January 21, another CHSRA board member, Rod Diridon, insisted: “Having the people of California pay one-third the price of this project and then never again having to put money into a program that will expand and expand and expand is an awfully good deal for California.”²⁰ After ten more days, on January 31, Chairman Kopp wrote to legislators: “We believe that if additional state funds appear needed for the remaining segments, it is the prerogative of the legislature to determine the amount, source and timing of such funds, similar to its action on Phase One.”²¹ By June 22, the chairman stated unequivocally that the HSR system would operate at a profit “without taxpayer subsidy.”²² It is unimaginable that such

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inconsistent statements would be made by corporate executives seeking investor financing without running afoul of securities regulators.

The Authority has stated that the proposed high-speed rail system “is one of the world’s largest public works projects.”²³ Thus it is even more imperative that all involved be cautious because “mega-project” financing has begun to breed mistrust. The leading worldwide infrastructure study on such projects concluded:

*The cost estimates used in public debates, media coverage and decision making for transport infrastructure development are highly, systematically and significantly deceptive. So are the cost-benefit analyses into which cost estimates are routinely fed to calculate the viability and ranking of projects. . . . An important policy implication for this highly expensive and highly consequential field of public policy is for the public, politicians, administrators, bankers and media not to trust the cost estimates presented by infrastructure promoters and forecasters.*²⁴

This report finds that the CHSRA’s documentation and public statements are indeterminate as to the project’s commercial viability and indeed suggest that the project is not feasible. This report finds that the CHSRA’s documentation and public statements fail to confirm the project’s commercial viability and the analysis in this report suggests that the project is not feasible.

Conclusion

The California Senate Transportation and Housing Committee observed that CHSRA ought to provide a financial prospectus on the HSR project because the project has been portrayed as a future commercial success. This study relies on empirical data, historical trends and other data to serve in part as a Due Diligence Report. It finds that conclusions in the CHSRA documentation are inconsistent, cost estimates have not been updated, projections appear to be based on data inadequate to justify the conclusions reached, risks in several areas (e.g., rights-of-way, liabilities for exceptional employee costs) are understated or completely ignored, and statements about future taxpayer subsidies are contradictory. The Authority has yet to balance issuance of its many advocacy documents with cautionary documents that are typically issued in an investment environment.

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Part 3

Overview of High-Speed Rail

A. International Experience

High-speed rail systems operate in a number of countries overseas. The state of California is proceeding with its HSR plan based on assumptions that are appropriate to European and Asian environments but generally hold little applicability in the state.

High-speed rail systems have been developed in the United States, Japan, France (with a British line connecting through the Channel Tunnel), Germany, Spain, Italy, South Korea and Taiwan.

Generally, high-speed rail is defined as trains that reach 150 mph (241 kph) or more. The top commercial speed on one line in the world is now 217 mph (350 kph), which came about with China’s launch in 2008 of Beijing–Tianjin service.²⁵ China expects to run at 236 mph (380 kph) on the planned Beijing–Shanghai line.²⁶ Within the TGV (*Train à Grande Vitesse*) system is the TGV-Est—operated between Paris and Strasbourg by the French National Railway (SNCF)—which reaches a top speed of 200 mph (322 kph). Japan’s Bullet Trains were the first high-speed rail trains and today operate up to 186 mph (300 kph), as do trains in Spain, South Korea and Taiwan. Amtrak’s Acela service reaches a top speed of 150 mph (241 kph) on a portion of its Washington–Boston route. While the infrastructure on the TGV-Est, Korea and Spanish HSR routes are designed to permit operations at 220 mph (354 kph), no trains currently operate at that speed. Even faster magnetic levitation (maglev) trains have been proposed for a few lines around the world, although the only commercial application is an airport line within the Shanghai urban area—one that reaches speeds near 270 mph (435 kph).²⁷

The proposed California HSR is intended to provide service at a top speed of 220 mph (354 kph) from Sacramento and the San Francisco Bay Area to the Los Angeles and San Diego areas and points in between. The system has been variously described in planning documents as having a route length of from 700 miles to 800 miles.

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Comparison With Routes Overseas

The Los Angeles–San Francisco “backbone” route is between 432 and 520 miles, depending upon the CHSRA source cited.²⁸ Plans are for the non-stop service to operate at under 2 hours and 40 minutes. Generally, the HSR routes most analogous to the Los Angeles–San Francisco route are the following:

- **Tokyo–Osaka Bullet Train.** The rail distance between these terminals is approximately 335 miles, shorter than the Los Angeles–San Francisco route—and the fastest travel time is approximately 2 hours and 30 minutes. Door-to-door rail and air travel times are similar to the California HSR, as proposed. Service began on this route in 1964.
- **Paris–Marseille TGV.** The rail distance is approximately 480 miles and the non-stop services take slightly more than 3 hours. Door-to-door rail and air travel times are similar to the California HSR as proposed. Service began on this route in 2001.

The new Madrid–Barcelona AVE service is similar in distance, rail travel time and air travel time to the Los Angeles–San Francisco route. However, this service has only recently begun to operate and so is referenced less frequently. The Taiwan and South Korea routes are also relatively new, far shorter than proposed for California, and are referenced less frequently.

Comparison of Markets

The market of the proposed California HSR is compared to markets for the Japanese Bullet Train and European HSR systems. (Comparisons with the Amtrak Acela will be found in Part 3, United States Experience.) There are considerable differences between these markets with the conditions in California being far less favorable to the development of HSR. Consider comparisons with Japan, as indicated below.

The Japanese were prudent to adapt their transport system by using rail to serve their dense populations stretched into linear corridors. Today the HSR market in Japan is the strongest in the world, and it is difficult to imagine a more favorable operating environment. The following factors combine to make HSR far more attractive in Japan than in California.

- The current population of the Japanese Bullet Train market is more than double that of the California market as projected for 2030. The counties and metropolitan areas that will have stations in the California system are projected to have less than 44 million people in 2030.²⁹ By comparison, the prefectures of Japan served by the Bullet Trains already have a population of more than 97 million.³⁰
- The Japanese urban areas are considerably more dense than the California urban areas. This means that HSR stations are closer to more of the urban population than they would

be in California.³¹ In addition, the large Japanese urban areas have large central business districts (CBD's or downtowns). The Tokyo CBD has more than twice as many jobs as Manhattan has south of 59th Street, and the Osaka central business district is larger than any for which data is available, except for Tokyo and New York. Nagoya's CBD has more than twice as many jobs as the San Francisco CBD.³² The CBD employment is a strong generator of ridership because HSR stations are located in the CBD and they are easily accessed by rapid transit,³³ by short cab rides or by walking. This gives the Bullet Trains a substantial market advantage.

- Japan has the developed world's most comprehensive transit systems. In the Tokyo and Osaka–Kobe–Kyoto urban areas, 63 and 56% respectively of urban travel is by transit.³⁴ In the third largest urban area, Nagoya, transit's share is approximately 25%. Approximately 80% of that transit travel is by rapid transit modes in each area, which tend to be competitive in travel time with cars (subways and commuter rail).³⁵ Finally, in each of these large urban areas, commercial revenues (including fares) account for more than 95% of operating and capital costs.³⁶ By contrast, the San Francisco urban (urbanized) area's transit market share is 3.8%, Los Angeles is 1.6%, San Diego 1.2%, San Jose 0.8% and Sacramento 0.7%.³⁷ The existence of Japan's comprehensive rapid transit systems, which were built as the urban areas spread out, makes near “seamless” travel possible throughout the Japanese urban areas. In California, the overwhelming majority of HSR trips are likely to require a car at one or both ends to complete the trip in a reasonable time and with reasonable comfort.
- The automobile ownership rate is considerably lower in Japan. The auto and SUV ownership rate per household is approximately 70% higher in the United States than in Japan.³⁸
- Driving is considerably more expensive in Japan. Gasoline costs more and the intercity freeways have very steep tolls.
- Finally, each of the Bullet Train routes were preceded by a strong conventional rail service—a “ready market” from which a large portion of the high-speed rail ridership was attracted. Before the high-speed system opened in the 1960s, there was little air service and there were relatively few automobiles. Thus, much of the HSR ridership simply transferred from slower trains to faster trains. By comparison, California has a small market potential in diverting traffic from traditional rail services.

Europe's inherent HSR market advantages are not as great as those of Japan, but they are still superior to California's:

- Large urban areas are generally closer together than in California. Moreover, a number of these urban areas are clustered in relatively close proximity to the hub of Europe's HSR system, Paris. Western Europe's two largest metropolitan areas, London and Paris have a

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combined population of more than 24 million—approximately the same population as the Los Angeles and San Francisco combined statistical areas.³⁹ They are less than 200 miles apart compared to the 380 highway miles that separate San Francisco and Los Angeles. Also, Brussels, Antwerp, Rotterdam, the Hague, Amsterdam, Lyon, Lille, Aachen and Cologne, all metropolitan areas with more than 1 million people, are less than 300 miles away, and all are served by HSR from Paris.

- In addition to proximity, another important factor is that France is a very centralized nation. Much commercial travel in France requires connecting through Paris, either through its airports or its train stations (both in the city and at Charles de Gaulle Airport). In contrast, no metropolitan area of California is such a travel hub because most travel in California is point to point.
- HSR in Europe has a particularly robust market as a result of the strong government employment that exists in national capitals, such as London, Paris, Brussels and the Hague. Brussels is also the principal governance center of the European Union, as home of the European Commission. The TGV-Est line is also likely to have higher ridership because its terminus is Strasbourg, home of the European parliament.
- While less dense than Japanese urban areas, European urban areas are generally more dense than in California. Again, this means that HSR stations are closer to more of the urban population than they would be in California.
- Europe's transit systems are less comprehensive than those of the largest Japanese urban areas, but are far more so than any transit systems in California. Large European urban areas typically have transit market shares of from 10 to 25%, which compares to the 0.7 percent to 3.6% in California markets. A number of the European HSR urban areas have extensive subway and commuter rail systems that can often compete with the auto in travel time.
- The European HSR ridership is not all new ridership. On many lines there was considerable traffic before the coming of HSR. In France, Germany, Italy and Spain, which accounted for the overwhelming majority of HSR ridership in Europe, conventional (non-HSR) ridership dropped 27 million between 1990 and 2006.⁴⁰ This represents 40% of the HSR increase of 69 million.⁴¹ Many HSR riders are former train riders who switched to the faster services.

Profitability

As in the case of CHSRA, HSR proponents claim that systems overseas are profitable. However, it is not clear that the world's HSR systems have typically covered their operating and capital costs without subsidies.

France. The TGV system is a sensible adaptation to a nation where Paris is a major transport hub as a destination and for connecting passengers. The most recent financial reports show that overall the French national rail operator, SNCF earned a profit.⁴² However, this is a far more complex issue.

- SNCF financial reports classify subsidies from national, regional and local governments as commercial revenues, rather than subsidies, as they would be classified in the United States.
- Separate financial data is not provided for the high-speed rail operations. Thus, any statements to the effect that TGV is profitable (which it may or may not be) have not been subjected to the normal accounting standards that apply to annual financial reporting.
- SNCF runs on the national rail system owned by the Réseau Ferré de France (RFF) and pays fees for its usage.⁴³ According to a report by the French parliament, RFF and SNCF together have a debt of more than 40 billion Euros, or approximately \$55 billion.⁴⁴ This is a significant amount for a nation with a population one-fifth that of the United States. The SNCF access fees paid to the RFF cover little more than infrastructure maintenance and provide virtually no contribution to debt service, capital costs or depreciation.⁴⁵ Moreover, RFF receives annual subsidies from the French government of more than 10 billion Euros. It is possible that some of the annual subsidy is attributable to TGV.
- Construction of the newest line, the TGV-Est line, from Paris toward Strasbourg was subsidized to at least the extent of 75%.⁴⁶
- Reports are that RFF will be substantially increasing track access charges to pay for expansion and maintenance of the French rail network. Any such increase could cause a deterioration in SNCF financial performance.⁴⁷

Given the lack of transparency regarding railway debt, continuing subsidies to RFF and the apparent lack of any comprehensive analysis⁴⁸ using generally accepted accounting principles, no definitive statement can be made about the profitability of high-speed rail in France.

Japan. The story is similar in Japan. The Japan National Railway was privatized in the late 1980s and the new private companies assumed some of the heavy debt that had been accumulated. However, the public shouldered most of the debt, which amounted to 250 trillion yen at privatization and grew to 280 trillion after that. At current exchange rates, this is more than \$250 billion.⁴⁹ This is a substantial amount for a nation with a population 60 percent less than the United States.

As in the case of France, in view of the huge debt and the apparent lack of any comprehensive analysis using generally accepted accounting principles, no definitive statement can be made about the profitability of high-speed rail in Japan.⁵⁰



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Summary of Differences

The CHSRA in promotional literature frequently cites developments in Europe and Asia to justify building such a system in California.³¹ Absent from such material is recognition of critically different circumstances and environments. Overall, the dissimilarities are great. *Congressional Digest* summarized Europe's train-friendly circumstances well:

Conditions in those countries are, in many ways, more favorable to passenger rail transportation than in the United States. Their population densities are higher (which makes train travel more efficient), their fuel prices, including taxes, are higher (which makes driving more expensive relative to other travel options), and their land area is relatively smaller (which makes travel time by train more competitive with air travel).³²

While factors exist that allow high-speed rail systems to be well-used overseas, they nonetheless appear insufficient to allow those very same HSR systems to attain profitability under generally accepted accounting practices. Moreover, while the conditions were favorable for the development of HSR in Europe and Japan, they are less clearly so in the United States.³³

Conclusion

High-speed rail systems operate in a number of countries overseas. The state of California is proceeding with its HSR plan based on assumptions that are appropriate to European and Asian environments but generally hold little applicability in the state.

Considerable market differences exist with conditions in California being far less favorable to the potential success of such a system. Dissimilarities include population densities in urban areas, size of central business districts, extent of connecting transit systems, distances between urban areas, and the degree to which a train-riding market existed prior to HSR service. Financially, it is not clear that the world's HSR systems have typically covered their operating and capital costs without subsidies—a determination that would be appropriate in a due diligence process for commercial HSR proposals in any nation.

B. United States Experience

A Federal Railroad Administration study found that subsidies are likely to be required on all HSR systems proposed in the U.S. Such projects have been halted in three states—California (Los Angeles–San Diego), Texas and Florida. The federally sponsored HSR program for Boston–New York–Washington serves only a fraction of the passengers that European and Asian lines carry.

The multi-state high-speed rail improvement project that links Boston, New York and Washington has been funded principally by the federal government through subsidies to Amtrak. Other systems have been proposed using the term “high-speed rail,” but which would not reach HSR speeds, such as programs in the Midwest and Southeast.

High-speed rail systems have been proposed for the United States and have failed to move ahead in Florida, Texas, Pennsylvania, Ohio and in California between Los Angeles and San Diego. All of these projects have been canceled for a variety of reasons, one of which has been the failure to attract commercial investment.

Following are summaries of prior studies regarding subsidies, details regarding HSR projects for Texas, Florida and the Los Angeles–San Diego line, and a review of the Northeast Corridor. All have “lessons learned” that are relevant to the California project.

The United States in Context

The most comprehensive study of the potential for high-speed rail around the United States was prepared for the Federal Railroad Administration (FRA) of the U.S. Department of Transportation (DOT). This study found that commercial revenues would fall far short of operating and capital costs in all studied corridors (Table 3).³⁴ On average, capital and operating subsidy levels of more than 70 percent would be required.

Corridor	Commercial Revenues	Subsidies
San Francisco–Los Angeles–San Diego	31.8%	68.2%
Los Angeles–San Diego	15.6%	84.4%
Chicago–Milwaukee–Detroit–St. Louis	22.8%	77.2%
Chicago–Detroit	21.6%	78.4%
Chicago–St. Louis	13.6%	86.4%
Miami–Orlando–Tampa	37.7%	62.3%
Washington–New York–Boston	55.3%	44.7%
Eugene–Portland–Seattle–Vancouver	17.0%	83.0%
Houston–Dallas–Austin–San Antonio	42.7%	57.3%
Average: High-Speed Rail	28.7%	71.3%

Source: Overview Report: *High Speed Ground Transportation for America* (Washington, D.C.: Federal Railroad Administration, United States Department of Transportation), August 1998.

Moreover, in an independent review, Professors William L. Garrison and David M. Levinson say it is doubtful whether without considerable subsidy high-speed rail could be constructed, much less be profitable, in the United States.³⁵

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Projects Halted in Three States

Florida: 1984–2004. Florida was the first state to embark on a program to build HSR with the 1984 passage of the High Speed Rail Act. In addition to creating an Authority to plan and oversee the project, the state established a franchise certification process designed to interest the private sector in helping to underwrite a Miami–Orlando–Tampa HSR project.

In 1986, state planners and potential system developers stated that the new HSR line would attract significant numbers of travelers from automobiles and airplanes. Predictions were that the line could be built at a cost ranging from \$2 billion to \$4.5 billion, depending on the number of stations, and be in service within nine years.⁵⁶

Projected construction costs continued to increase, and by 1990 the state required the franchise holder, the Florida High Speed Rail Corporation (FHSRC), to submit a new financing proposal. One trade publication described it as follows:

FHSRC's new financing plan included a request for state bonding authority of \$5.35 billion (\$214 million annually for 25 years), together with imposition of a 10 percent tax on high speed rail tickets; a \$2 surcharge on automobile license tags, and a 2.5 cents per gallon increase in the motor fuel tax. FHSRC also asked that the Florida legislature authorize "available monies" to eliminate existing at-grade crossings on the proposed system. . . . FHSRC's proposal did not find an enthusiastic audience.⁵⁷

Public displeasure intensified in 1996 when five consortia submitted proposals in a new franchise process that was designed around the state's new—and very controversial—commitment to a \$70-million-a-year subsidy.⁵⁸

The state selected the Florida Overland Express consortium (FOX) to build the system, based in part on their plan to begin operating the entire line by 2006. At the same time, state officials balked at FOX's bid request for subsidies of \$95 million annually from the state—\$25 million more than planned.⁵⁹ Meanwhile, dissatisfaction by environmentalists grew over FOX's plan to use alignments near water conservation areas, which were inconsistent with plans to prohibit development and protect coastal water supplies.⁶⁰

Promoters pushed a 2000 state constitutional amendment requiring the state to build HSR, which the voters approved. However, the project ran into significant opposition as issues arose regarding the project's cost, optimistic ridership estimates, adverse environmental impacts and the degree of highway and airport congestion relief that could reasonably be expected.

Three years later, the state legislature was compelled to address growing concerns about costs and debated prohibiting the use of sales-taxes or tax exemptions for developers to help fund the system.⁶¹ Public concerns mounted that the state was to be exposed to inordinate financial risk and another measure was placed on the ballot in 2004 to repeal the state HSR constitutional

amendment. The voters approved the measure by a 2-to-1 margin, effectively terminating the Florida HSR project.⁶²

Texas: 1989–1994. The legislature in 1989 created the Texas High-Speed Rail Authority (THSRA) to award a franchise to build and operate a system with three lines to link the "Texas Triangle" urban areas of Dallas/Fort Worth, Houston and San Antonio. The law prohibited expenditures of public monies on the project, except for some limited planning efforts. The private sector could not count on government subsidies for capital or operating purposes.

The action was taken based on a study that concluded 185-mph trains could move passengers between Dallas and Houston in less than two hours; it also forecast that the system could be economically viable as highways and airports became more congested. The three-phased project called for the Dallas/Fort Worth area–Houston line to be built by 1998; the Houston–San Antonio–Austin route to be in operation by 2003, and Austin–Dallas could be ready by 2008.

A French-American group, the Texas TGV Corporation, won the contract for the franchise against a German-American ICE Train consortium.⁶³ Public opposition grew in rural areas because of a belief that the use of eminent domain for the HSR routes would cause considerable harm to farmers and ranchers. Eventually, thousands of residents gathered in meetings to oppose the HSR system. Their biggest concern was "landlocking," when the high-speed track splits a ranch or farm in two and the owner cannot get from one section to the other without an easement across a neighbor's property or traveling some distance.⁶⁴ (The California Authority calls "landlocking" by a different name—"severance.")

Another issue was the continual escalation in the estimated project cost. In 1991, the first estimate was \$4.4 billion.⁶⁵ Cost refinements were issued depending upon which routings were to be selected, and the new figures became a range of \$5.7 billion to \$6.7 billion.⁶⁶ As planning continued, the cost rose to \$7 billion.⁶⁷ Finally, when it appeared that the project would be abandoned in late 1993, the estimate totaled \$8.4 billion.⁶⁸

Skepticism deepened when the Texas TGV consortium admitted a need for grants from local and federal governments, \$3 billion in tax-free bonds and possible government guarantees. Texas Railroad Commissioner Bob Krueger said the project was doomed: "I believe this project will ultimately fail, because the economics are faulty, the ridership numbers are fantasy and the very credibility of the managing consortium is suspect. I don't think the economics are here for this project, and I don't think this group can pull it off without monumental government support."⁶⁹

With consortium officials seeking more public funding, Southwest Airlines filed a suit challenging the manner in which the THSRA awarded the franchise to the Texas TGV consortium. The airline's position was that it did not want to compete with an entity that will be subsidized by the government; they were willing to compete head-on, but not with the government.⁷⁰

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In early January 2004, it was clear that the Texas TGV Corporation had defaulted on its agreement with the state.⁷¹ With controversies underway regarding the need for public subsidies and the system's possible intrusion on farmlands and other property, the project was cancelled. According to many news accounts, this terminated a state administrative proceeding against Texas TGV for its failure to raise \$170 million in equity financing for the \$8.4 billion project by the December 31, 1993 deadline. The state also required Texas TGV to repay a \$1 million appropriation made by the legislature to the THSRA.⁷²

The consortium cited an inability to secure financing because of delays beyond its control, such as waiting for federal safety approval of Texas TGV's proposed technology and unrealistic equity funding deadlines. State officials declined to pursue a default judgment against Texas TGV because to do so would keep the project nominally alive. The state wanted an unquestioned rescission to permit landowners whose property lay in the path of the proposed train to be free of possible eminent domain proceedings, a relief that hundreds of rural property owners had repeatedly demanded of the state.⁷³ Also, the legislature abolished the Authority and designated no successor for HSR functions.⁷⁴

It is notable that the Texas project expired even though the state has topographical conditions more favorable than what are found on the California routes—namely, the lack of mountain ranges that provide significant construction and operating challenges.

Southern California: 1981-1984. The state has experienced strong public opposition to the construction of a high-speed rail line, as was evidenced in the past when the American High Speed Rail Corporation (AHSRC) proposed building a Los Angeles–San Diego bullet train. Although a private company, the AHSRC was headed by executives from the federally subsidized Amtrak organization and in 1981 Amtrak provided an unsecured \$750,000 loan to partially finance startup costs.

The following year, the California legislature approved \$1.25 billion in tax-exempt revenue bonds for the project, whose feasibility depended on the marketability of the bonds.⁷⁵ The company intended to repay bond holders from passenger revenues.

The AHSRC proposed to build a \$3.1 billion bullet train line 130 miles long. The privately funded and operated system would be completed by 1988, after which trains were projected to carry 100,000 passengers daily on about 100 trains daily. The system would use Japan's Bullet Train technology and be capable of 160 mph operation over exclusive use of new HSR lines. Stations would be located at Los Angeles International Airport, Union Station in downtown Los Angeles, Norwalk, Anaheim, Santa Ana, Irvine, Oceanside, La Jolla and in downtown San Diego.⁷⁶

The AHSRC would receive about \$5 million from Japanese interests for initial planning. Next, an investment syndicate would seek a minimum of \$2 billion needed to acquire right-of-way and build the line.⁷⁷ About a quarter of the funding was expected to come from Japanese sources and the remainder from the United States and elsewhere.⁷⁸ The company routinely indicated that HSR

operating in Southern California could make a profit, based in part on non-stop Los Angeles-San Diego express train schedules of 59 minutes and air-competitive fares. Wall Street expressed skepticism, and one Shearson-American Express analyst called the proposal "far fetched."⁷⁹

Eventually, Japanese investors provided much of the \$14.75 million raised and agreed to take responsibility for 25 percent of the financing required to complete the project. First Boston, an investment bank, was putting together a package to raise additional money to complete design work and start building.⁸⁰ However, resistance to the project was mounting and potential investors became unsettled when a chain of events occurred:

- Five communities—San Diego, Del Mar, Carlsbad, Oceanside and Tustin—filed a lawsuit that argued the process being followed violated environmental regulations and was inadequate to fully assess the project's impacts. Joining the lawsuit was the United Citizens Coastal Protective League (UCCPL), an organization with more than 1,000 members.⁸¹ The UCCPL likened the plan to using a supersonic Concorde jet for commuter flights between San Diego and Los Angeles.⁸²
- A rail passenger consultant who had accurately forecast San Diego Trolley ridership found that the AHSRC had used "terrible logic" in justifying high passenger-volume projections. He determined that inadequate population density exists to support the line, that promoters had vastly overestimated the market, and that such a system could not operate at a profit anywhere in the United States.⁸³
- The city of Tustin contracted for an analysis of projected ridership, capital and operating costs, and financial planning. The study discredited overly optimistic estimates, and one conclusion was that the AHSRC had projected "vastly greater numbers of passengers" for the HSR line than justified.⁸⁴
- At about the same time, a report from the Office of Technology Assessment, a congressional agency, found that the Southern California bullet train and similar U.S. high-speed rail projects will probably require government subsidies to survive. Researchers questioned the ridership projections because the insufficient population density would mean that every person in the region would have to ride the train at least 3.7 times a year to total the 36.5 million annual passengers first predicted by project promoters. Reviewers also concluded that commuter and short-trip travel—the greatest cause of traffic problems—would continue despite the HSR system and that ultimate energy savings might be insignificant.⁸⁵
- Public officials became uncompromising in their opposition. For example, a California Transportation Commission member and former State Assembly Transportation Committee chairman, Walter Ingalls, warned that he would not vote to approve state money for the bullet train if—as he was predicting—private investors could not pay for the project. "There will never, ever, ever be any public monies expended for this project," Ingalls declared.⁸⁶

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In an attempt to calm public officials and reassure potential investors, the AHSRC released new projections that the bullet train would earn \$380 million in its first year of operation (1989\$) and escalate in following years based on an inflation rate of 7 percent annually. The new forecasts were drawn up by Arthur D. Little Inc., which had devised the first ridership and revenue estimates that had become controversial.⁸⁷

The AHSRC forecast brought skepticism from independent analysts. Even a planning organization normally receptive to rail proposals, the San Diego Association of Governments, declined to endorse the new projections because the planners did not know what methods were used or what factors were considered by the consultants. Far more blunt was an Oceanside Councilman, Walter Gilbert, who said, "I don't believe it. First they had a survey that forecast ridership of 60,000. When we proved that the project wouldn't pay for itself with that number, they come up with a new, refined survey that claims there will be 100,000 riders. That's not realistic."⁸⁸

By mid-1984, the public learned that Japanese investors had put up only about \$9 million of the \$14.75 million originally promised. The AHSRC needed \$50 million to continue planning and officials admitted that a forecast of an early 1985 start of construction had been too optimistic.⁸⁹ Next, the AHSRC missed filing deadlines with Caltrans and the California Public Utility Commission.⁹⁰

A major figure entered the fray when Paul Gann announced disapproval of the project. Gann, known as the co-author of the Proposition 13 "tax revolt referendum," said he opposed HSR because the \$1.25 billion in revenue bonds the state legislature had authorized represented potential risks to taxpayers.⁹¹

On November 13, 1984, the Los Angeles–San Diego bullet train plan collapsed when AHSRC officials announced they had run out of funds. A campaign to raise money from investors had met with widespread skepticism.⁹² Moreover the company never fully convinced state officials that it could proceed without the need for public subsidies. Planning documents were sold to Amtrak for \$200,000.⁹³

Researchers concluded that public and political opposition caused investment community interest to evaporate. "The project proved to be very controversial, with the proponents eventually unable to obtain financing to continue."⁹⁴ Indeed, this appears to have portended the type of potential "political meddling" that CHSRA consultant Lehman Brothers cited as a current risk in investor documents.⁹⁵

U.S. Northeast Corridor. The strongest rail passenger line in the United States runs through the heavily populated Northeast Corridor (NEC) linking Washington D.C., New York and Boston. The route is historically the nation's busiest route and has characteristics more favorable to HSR than California.

- The New York–Washington distance of 225 miles and the New York–Boston distance of 231 miles are shorter than the anticipated Los Angeles–San Francisco "backbone" line projected by the CHSRA to be between 432 and 490 miles.
- The metropolitan areas from Washington through New York to Boston have a population of 44 million,⁹⁶ a population not projected for the California HSR corridor until 2030.
- Four of the six largest downtowns (central business districts) in the United States are on the Acela HSR line (New York, Washington, Boston and Philadelphia).⁹⁷ The combined employment of the major downtown areas along the route, including Baltimore, is approximately 2.6 million, which includes Manhattan (below 59th Street), the world's second largest central business district.⁹⁸ In contrast, the California HSR system has only one of the six largest central business districts in the nation (San Francisco) and the combined employment of the large central business districts is less than 600,000.⁹⁹ Central business district (CBD) employment is a strong generator of ridership, because there are HSR stations in the CBD that are easily accessed by short cab rides, transit rides or walking. In this regard, the NEC is more favorable to HSR than the California corridor.
- Despite not being as comprehensive as European transit systems, the transit systems of the NEC metropolitan areas are generally stronger than in California. New York's transit network is by far the largest in the nation and has the largest rapid transit system with an urban-area transit market share of approximately 10 percent.¹⁰⁰ Boston, Washington and Philadelphia have some of the most extensive rapid transit systems in the nation, as is evidenced by their strong ridership. San Francisco also has a strong system in BART and some commuter rail service. Los Angeles, Sacramento, San Jose and San Diego have far less intense transit systems than San Francisco. The better transit connections in the NEC make it a more promising market for HSR than California.

Federal subsidies to Amtrak were used to develop the Acela service in the NEC, and the trains began operating on this route in 2000. Door-to-door rail and air travel times are similar to the California HSR as proposed. In the New York–Washington portion of the NEC, where the rail distance is 225 miles, the fastest trains take as little as 2 hours and 45 minutes. Early in 2001 Amtrak announced that it would add a "non-stop super-express connecting New York and Washington in 2 hours, 28 minutes."¹⁰¹ However, by mid-year the nonstop failed to lure as many airline passengers as forecast and was replaced by a train that stops along the way.¹⁰² As of 2008, no non-stop Acelas operate on the route. The Amtrak Reform Council stated that, "The fact that Acela isn't doing what Amtrak expected is an enormous problem. Amtrak has definitely hitched its star to the Acela Express."¹⁰³

The NEC has been a historically strong intercity rail market. As a result, Acela has had a ready pool of train riders that have transferred from the slower, conventional services to the high-speed services. Again, California does not have this advantage.

Even so, the Boston–New York–Washington HSR service has ridership that is only a fraction of the intensity of the Japanese and European systems. (See Part 4, Forecasting Ridership.)

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Commonalities

Similarities can be found in the failures of the Florida, Texas and California projects. Sustained public opposition is just one of a number of factors contributing to their demise.

Understated cost estimates also caused controversies. In California, to appease critics along the Los Angeles-San Diego line, promoters pledged costly changes to plans such as tunneling or taking tracks into submerged trenches with landscaped sides, yet the overall price for the system never seemed to reflect such alterations.¹⁰⁴

Concern is growing about the current CHSRA project. The California Chamber of Commerce announced its opposition based on costs, with President and CEO Allan Zaremberg stating, "There are other projects that mitigate congestion that should be a higher priority."¹⁰⁵ Jon Coupal, president of the Howard Jarvis Taxpayers Association, pointed out that the HSR bonds are not "free money," and with the state carrying significant debt the HSR bonds could further lower the state's bond rating.¹⁰⁶

Conclusion

The Federal Railroad Administration has found that subsidies are likely to be required on all HSR systems proposed in the United States.

Such projects have been halted in three states—California (Los Angeles-San Diego), Texas and Florida. The cancellations occurred because the public, community organizations and elected officials objected to underestimated costs, overestimated ridership and revenue, threatened use of eminent domain, and environmental impacts. Also, the credibility of HSR promoters waned as pledges of "no subsidy" or "only low subsidies" needed turned into requests for higher subsidies. In each case opponents showed great resourcefulness in conducting sustained campaigns to oppose HSR construction.

Support for HSR has evaporated among potential investors and in state legislatures that have felt the brunt of citizen displeasure. With history as a guide, and as HSR environmental impacts become better understood, similar opposition could develop within California's urban, suburban and rural communities located along the CHSRA's proposed system.

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Part 4

Analysis of California High-Speed Rail Plan

A. Forecasting Ridership

Based upon an examination of the market and the international experience with ridership projections, it appears that the CHSRA 2030 ridership projections are absurdly high. It is likely that the HSR will fall far short of its revenue projections, leading to a need for substantial additional infusions of taxpayer subsidies.

The Crucial Role of Ridership

Sufficiently accurate ridership projections are essential because they serve as the basis for revenue projections, and passenger fares represent the principal operating revenue for the proposed HSR system. Specifically, the ridership and fares need to be high enough to pay for the infrastructure costs, debt interest and return on investment for costs not covered by taxpayer subsidies.¹⁰⁷

If HSR ridership falls short of the projections, revenue is likely to be similarly short, which can lead to financial difficulties. Lower than anticipated revenue levels could lead to the need for taxpayer bailouts or even bond defaults.

In the process of due diligence that will necessarily precede any private equity or debt investment, the ridership and revenue projections must be demonstrated to be both plausible and sufficient or the investment will not be forthcoming for the project. The analysis in this chapter is limited to evaluating the HSR ridership projections. The context of these projections relating to the overall market and modes (highways and aviation) is examined in Part 5, "Alternatives to Building the HSR System."

Overview of International and Domestic Ridership Projections

The most comprehensive study on large transportation project projections was by European academics Bent Flyvbjerg, Nils Bruzelius and Werner Rothengatter.¹⁰⁸ Their study examined 258

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transportation infrastructure “megaprojects” covering seven decades (1927-1998) on five continents. This “world infrastructure research” found a number of difficulties in project financing plans, such as overestimation of customer demand, overestimation of commercial revenues and understatement of capital and operating costs (the latter two points are discussed elsewhere).¹⁰⁹ While the principal focus of the research was capital cost overruns, the authors noted:

*...the problem with cost overrun is exacerbated by the fact that often this problem comes hand in hand with lower-than-estimated revenues. The consequence is projects that are risky to the second degree.*¹¹⁰

The world infrastructure research found that overly optimistic ridership projections have been the rule rather than the exception, concluding that “Traffic estimates used in decision making for rail infrastructure development are highly, systematically and significantly misleading. Rail passenger traffic forecasts are consistently and significantly inflated.”¹¹¹ Such faulty forecasts influenced the construction of systems that produced lower than anticipated financial returns, which in turn have resulted in higher than planned public subsidies. The world infrastructure research also found that costs are routinely underestimated. (See Part 4, Forecasting Costs.)

For example, the Eurostar, the Paris to London and Brussels HSR service, began operating through the new cross-channel tunnel in 1994. It was projected that 15.9 million passengers would use the service in its first year with an eventual increase to 18 million.¹¹² Actual traffic was 2.9 million passengers in the first full year of operation, which fell short by 82 percent of the forecast.¹¹³ Only in the last year (2007), a full 12 years after opening, has ridership exceeded one-half of the first-year projection, at 8.3 million.¹¹⁴ And if it is assumed that recent ridership increases from the St. Pancras Station extension in London is carried through a full year, Eurostar’s ridership will still be more than one-third below the first-year prediction (1995).¹¹⁵ Eurostar abandoned services to its London Waterloo Station upon opening the new St. Pancras Station in 2007. It had planned to continue offering services to both stations, but the Waterloo service was cancelled because ridership had fallen so far short of the 18 million projection.¹¹⁶

Overestimation of intercity rail ridership has been true for decades in the United States. One example: On numerous occasions the Government Accountability Office (GAO) has questioned the traffic forecasts upon which Amtrak bases its revenue projections as being too optimistic. A 1976 GAO report noted Amtrak’s projection that the “number of passengers will increase from 17.3 million in fiscal year 1975 to 32.9 million in fiscal year 1980—a 90 percent increase.”¹¹⁷ The actual passenger count in 1980 was 21.2 million—35.6 percent off the estimate. Even in 2007 when Amtrak set an “all-time record,” the rail system carried 25.8 million passengers—nearly 10 million passengers lower than it was projected to reach nearly three decades ago.¹¹⁸ Unachieved projections have remained a hallmark at Amtrak from its inception in 1971 through today.

The problem of over-estimating demand has also been noted by the California Senate Transportation and Housing Committee in a report on the HSR project. The report notes the demand projection inaccuracies in toll roads and further notes with respect to mega-projects that

*... there is a pattern of economic analyses and demand forecasts that are often overly optimistic ...*¹¹⁹

California: Numerous Ridership Studies

Many studies of California HSR have resulted in issuance of a plethora of forecasts based on wide variations in assumptions. Below in Table 4 is a listing of studies that will be referred to in the ensuing analysis:

Table 4: Ridership Studies & Projections	
Title	Explanation
1997 Base Ridership	The existing market used as a base by CHSRA for 2020 ridership projection. Produced by Charles River Associates (2000)
2005 Base Ridership	The existing market used as a base by CHSRA for 2030 ridership projection. Produced by Cambridge Systematics (2007)
2010 University of California Projection	SF-Sacramento- LA-San Diego only route study by the University of California Transportation Center Berkeley (1994)
2020 FRA Projection	SF-LA-San Diego only route study by the Federal Railroad Administration (1997)
2020 Investment Grade Projection (2020 Base Projection)	Ridership projection by CHSRA indicated as base for 2020. Also called “investment grade.” Produced by Charles River Associates (2000)
2020 High Projection	Ridership projection by CHSRA indicated as “sensitivity analysis” or “high” for 2020. Produced by Charles River Associates (2000)
CHSRA 2030 Base Projection	Ridership projection by CHSRA indicated as base for 2030. Produced by Cambridge Systematics (2007)
CHSRA 2030 High Projection	Ridership projection by CHSRA indicated as “sensitivity analysis” or “high” for 2020. Produced by Cambridge Systematics (2007)
2030 Due Diligence Base Projection	Ridership projection considered most likely by this report. (2008)
2030 Due Diligence High Projection	Ridership projection considered highest likely by this report. (2008)

Analysis of CHSRA Projections

The CHSRA has produced two principal sets of ridership projections.

- The first set of ridership projections for a horizon year of 2020 was the basis of the 2005 EIS/EIR that CHSRA produced. Two principal projections were produced, which are referred to in this Due Diligence Report as the “2020 Investment Grade Projection” and the “2020 High Projection.”
- The second set of ridership projections for a horizon year of 2030 was used in the 2008 Northern California EIS. Two principal projections were produced, which are referred to in this report as the “CHSRA 2030 Base Projection” and the “CHSRA 2030 High Projection.”

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The University of California Transportation Center at Berkeley and the Federal Railroad Administration (FRA) previously produced independent projections for similar systems. The University of California Projection used a horizon year of 2010, while the FRA Projection used a horizon year of 2020. Independent projections are particularly important, because those involved in their preparation can hope for no potential financial gain from a project's approval.¹²⁰

This review attempts to achieve a consistency between these projections of differing years, by adjusting all to a horizon year of 2030 (Table 5). This report uses the ridership projections from the "trip tables" containing the 2020 CHSRA projections and the 2030 CHSRA projections. These data are sometimes at odds with data in other portions of the same reports.

Title	Explanation	Annual HSR Projection Ridership in Millions		
		Annual Intercity Ridership Projection (Original Projection Year)	Commuter	Total Including Commuter Ridership
1997 Base Ridership	The existing market used as a base by CHSRA for 2020 ridership projection. Produced by Charles River Associates (2000)	Note: These are base year market assumptions. There are no projections		
2005 Base Ridership	The existing market used as a base by CHSRA for 2030 ridership projection. Produced by Cambridge Systematics (2007)	Note: These are base year market assumptions. There are no projections		
2010 University of California Projection	SF-Sacramento- LA-San Diego only route study by the University of California Transportation Center Berkeley (1994)	(12.5) 22.1	No Commuter Projection	22.1
2020 FRA Projection	SF-LA-San Diego only route study by the Federal Railroad Administration (1997)	(15.6) 25.8	No Commuter Projection	25.8
2020 Investment Grade Projection (2020 Base Projection)	Ridership projection by CHSRA indicated as base for 2020. Also called "investment grade." Produced by Charles River Associates (2000)	(32.0) 37.9	10.0	47.9
2020 High Projection	Ridership projection by CHSRA indicated as "sensitivity analysis" or "high" for 2020. Produced by Charles River Associates (2000)	(58.4) 69.1	10.0	79.1
CHSRA 2030 Base Projection ¹²¹	Ridership projection by CHSRA indicated as base for 2030. Produced by Cambridge Systematics (2007)	65.5	22.5	88.0
CHSRA 2030 High Projection	Ridership projection by CHSRA indicated as "sensitivity analysis" or "high" for 2020. Produced by Cambridge Systematics (2007)	96.5	20.5	117.0

Projection figures in parentheses are year of report. Figures without parentheses are 2030 or adjusted to 2030.

The year 2030 projections are the most recent and were prepared by Cambridge Systematics, using 2005 as a base year,¹²² and are used in the Northern California EIS.¹²³ The projections are based on intercity riders (those traveling between metropolitan areas rather than within them) and commuters (riders within the metropolitan areas of the Bay Area, Los Angeles and San Diego).

- The CHSRA 2030 Base Projection indicates that the system would carry 65.5 million annual intercity riders in 2030. An additional projection of 22.5 million commuter riders bring the total to 88.0 million.
- The CHSRA 2030 High Projection indicates that the system would have 96.5 million annual intercity riders in 2030. When commuter ridership of 20.5 million is included, this figure rises to 117 million riders.

Significant Variation in Ridership Projections

The new 2030 ridership projections cited above are considerably higher than earlier findings. This raises questions of credibility, especially since independent projections prepared for similar systems in the past have been below the earlier CHSRA projections. The previous projections prepared for the Authority by Charles Rivers Associates in 2000, using a base year of 1997,¹²⁴ are as follows:

- The 2020 Investment Grade Projection forecast 32 million annual riders plus 10 million commute¹²⁵ riders for 2020.
- A "sensitivity" analysis was performed by the CHSRA to estimate the impact of different assumptions on ridership. These included slower automobile travel times, slower air travel times, higher automobile and air market growth rates and higher air fares. CHSRA then selected the *most favorable possible combination* of these assumptions and produced the CHSRA 2030 High Projection of 58.4 million annual riders,¹²⁶ plus the 10 million commute or intraregional riders for a total of 68.4 million riders. This higher Sensitivity Projection, rather than the Investment Grade Projection, was used in much of the analysis in the 2005 EIR/EIS.

"Investment Grade" Ridership Projections

The CHSRA uses the term "investment grade" as the title of its 2020 base ridership projections. This is significant, because investment grade projections are considered to be of the highest quality and of sufficient accuracy upon which to rely for private investment purposes.

However, even investment grade projections can be fatally flawed. This is illustrated by the case of the Las Vegas Monorail, where an "investment-grade" projection over-estimated ridership by more than 100 percent and where a strong probability of bond default may occur by 2010.¹²⁷

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As is noted below, the CHSRA 2020 Investment Grade Ridership Projection has been superseded by a far more aggressive 2030 Base Ridership Projection, which is not labeled as “investment grade” by CHSRA. Given the international experience with ridership and revenue projections, this much higher, apparently less authoritative projection is cause for serious concern.

Evaluation of CHSRA Ridership Projections and Assumptions

There are a number of factors that call into question the reasonableness of the CHSRA 2030 Ridership Projections. This is illustrated by various reasonableness tests below:

- The 2030 CHSRA ridership projections are much higher than the previous CHSRA projections (2020), even after adjusting to account for anticipated growth from 2020 to 2030. There is no reasonable justification for the large increases between the two years (below). This could indicate the type of ridership and revenue projection “inflation” documented in the world infrastructure research.
- The CHSRA 2030 Base Ridership Projection (65.5 million annual passengers) is an inexplicable 73 percent higher than the CHSRA 2020 Investment Grade Ridership Projection, which it replaces. This is after adjusting the 2020 Investment Grade Ridership Projection to account for CHSRA projected growth in the market between 2020 and 2030 to 37.9 million annual passengers).¹²⁸
- Similarly, the CHSRA 2030 High Ridership Projection is also significantly higher than the CHSRA 2020 High Ridership Projection (adjusted to 2030), which it replaces. The 2030 High Ridership projection of 96.6 million annual intercity riders is 40 percent above the 69.1 million annual intercity riders that result from adjusting the 2020 High Ridership Projection to 2030.¹²⁹ As in the case of the 2020 projections, CHSRA has often used this more optimistic scenario in both its formal analysis and promotion.

The enormous increase in ridership projections between 2020 and 2030 cannot be justified by any reasonable factor in the market. The difference appears to be at least in part due to changes in the assumptions used by CHSRA in its ridership projection methodology (“modeling”).

Unrealistic Base Year Travel Market Increase

Ridership modeling begins with scoping the size of the existing market. In that regard, ridership projection models use a platform of a “base year.” In the case of the 2020 CHSRA projections, the base year is 1997. In the case of the 2030 CHSRA projections, the base year is 2005.

Changes in base year data have the generalized impact of driving up the ultimate ridership projections. A simple example can be used to illustrate the point. If a base year’s total travel estimate is 50 percent higher than another estimate for the same base year, it can be expected that

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the resulting travel projection in the horizon year (for example 2030) will be much higher than if the projection is based upon data from the lower base year estimate.

There is an enormous increase in the 2005 base year total travel estimate used by CHSRA compared to the 1997 base year estimate used for the 2020 ridership projections. The increases from 1997 to 2005 are the basis of the much higher 2030 CHSRA projection. Overall, CHSRA’s estimate of the travel market in 2005 was more than 275 percent higher than in 1997. This enormous increase, reported by CHSRA, is not consistent with market trends over the same period.

- Airline volume decreased 12 percent between the major airports in the HSR corridors between 1997 and 2005, according to U.S. Department of Transportation data.¹³⁰ This decline is far different from CHSRA’s 2005 base estimate of the airline market, which is more than 25 percent higher than its 1997 base estimate.
- Travel on state highways increased 19 percent from 1997 to 2005.¹³¹ This modest increase is far below CHSRA’s 2005 base estimate of automobile usage, which is 325 percent higher than its 1997 base estimate.¹³²

Explanation of the Higher 2030 Ridership Projections

The principal cause of the sizable market increase between the 1997 and 2005 bases is in the much higher automobile (principally shorter distance) demand. Based upon the unaccountably large intercity automobile market in its 2005 base (below), CHSRA projects that 74 percent of HSR passengers will come from automobiles.¹³³ This is an implausibly high figure for capture of auto drivers. The projected 74 percent from automobiles is nearly double the 42 percent in the 2020 Investment Grade Projection. It is also *four times* the 19 percent diversion share from autos projected in the 2020 FRA Projection.

Further, the international experience demonstrates that HSR’s principal source of ridership is airline passengers, rather than automobile users, especially in longer distance markets, such as California. The FRA projected that the California corridor would receive 51% of its ridership from airlines and only 19% from autos. A new FRA report indicates that significant improvements to travel times in the Washington–New York–Boston market would attract only one-half as many car drivers as air passengers.¹³⁴

Another major difference between the 1997 and 2005 base projections is the number of “out of corridor” trips (trips that include the service area of HSR but begin or end outside of it)¹³⁵ that are included in the analysis. CHSRA’s 2005 “out of corridor” trips are nearly seven times the 1997 level.

A comparison of the 2020 and 2030 intercity projections illustrates the primary drivers of the much higher CHSRA 2030 projections (Figure 1¹³⁶ and Figure 2).¹³⁷

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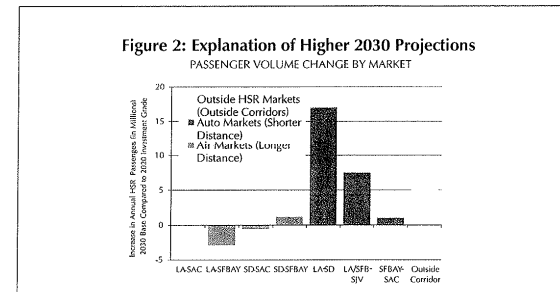
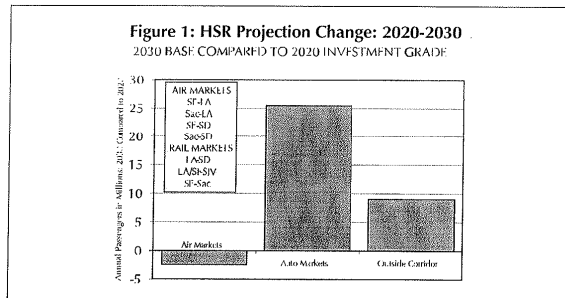
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- **Automobile Markets (Shorter Distance Markets).** The CHSRA 2030 Base Projection assumes 25.5 million more HSR riders in the stronger automobile markets (namely San Francisco–Sacramento, Los Angeles–San Diego, and the San Joaquin Valley to both Los Angeles and San Francisco) than the 2020 Investment Grade Projection.
- **Airline Markets.** The CHSRA 2030 Base Projection assumes a small reduction in HSR ridership in California's strongest air markets (which are Los Angeles–San Francisco, Los Angeles–Sacramento, San Francisco–San Diego and Sacramento–San Diego) from the 2020 Investment Grade Projection.
- **Outside the Corridor Markets.** The CHSRA 2030 Base Projection assumes an increase of 9.2 million HSR passengers who would travel to or from outside the corridor compared to the 2020 Investment Grade Projection. These are passengers who would use the HSR system, but whose trips would begin or end in the central coast area (between Los Angeles and San Jose coastal counties), northern California (north of Sacramento) and the western Sierra Mountains area. In fact, the total CHSRA 2030 "out of corridor" projected trip volume is greater in number than CHSRA projects to carry between the two largest markets, the Los Angeles area and the San Francisco Bay Area. This is simply not reasonable.

In fact, more than all (107 percent) of the 2030 projected ridership increase from 2020 is in shorter distance, auto-dominated markets or trips starting or ending outside HSR markets. The automobile and out-of-corridor market increases are greater than the overall increase because of the CHSRA projected *decline* in HSR ridership in the air markets (longer distance markets) between 2020 and 2030.

As is indicated above, HSR competes much better for airline passengers than for automobile drivers and passengers. The inconceivable incongruities between the 2020 and 2030 projections is cause for the most serious concern and severely undermines the credibility of the 2030 projections.



Inconsistencies: CHSRA and Independent Projections

The CHSRA projections are exceedingly optimistic. Earlier independent projections for similar routings estimated considerably lower ridership levels than any that have been produced by the CHSRA.

A University of California Berkeley report analyzed a projected system with a route structure similar to the CHSRA proposal except that it did not link Los Angeles–San Diego.¹³⁸ Like the current proposal, this plan anticipated trains running at up to 220 miles per hour (350 kilometers per hour). The University of California ridership projection, adjusted to 2030 and accounting for the somewhat longer currently planned system, would be 22.1 million intercity riders.¹³⁹ The CHSRA 2030 Base Projection (65.5 million) is nearly 3 times the 2010 University of California Projection, while the CHSRA 2030 High Projection (96.5 million) is more than four times the University of California projection.

Another independent HSR projection was prepared in a Federal Railway Administration report¹⁴⁰ for a San Francisco–Los Angeles–San Diego route. A 2030 projection of 25.8 million annual intercity riders is obtained by adjusting this projection for market growth to 2030 and route and speed differences.¹⁴¹ The CHSRA 2030 Base Projection (65.5 million) is 2.5 times FRA Projection as adjusted to 2030. Moreover, the CHSRA 2030 High Projection (96.5 million) is nearly 4 times the FRA projection as adjusted to 2030.

The immense differences in ridership between these independent projections and the CHSRA projections also suggest a significant exaggeration in the CHSRA 2030 ridership projections. It is meaningful that the independent projections are far closer to the 2020 Investment Grade Projection (all adjusted to 2030) than the 2030 Base Projection and CHSRA 2030 High Projection. This is further indication that the current projections may be highly inflated.

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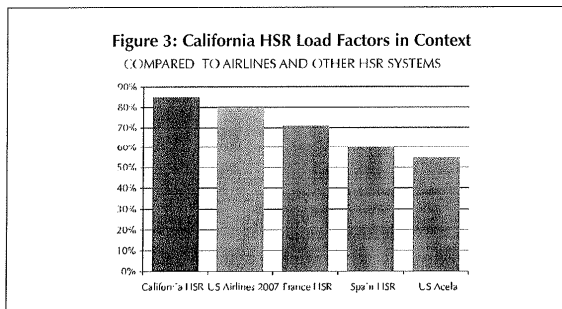
Unachievable Load Factors

Load factor is the measure of the average number of passengers on trains compared to the capacity. Thus, if the average train can carry 1,000 passengers and the average number of passengers on trains is 700, then the load factor will be 70%.¹⁴² CHSRA anticipates an average load factor of nearly 85 percent.¹⁴³ This is a very high figure and is contrary to experience on high-speed lines elsewhere. The FRA California high-speed rail study placed the average load factor at 51 percent. The CHSRA's projected load factor is so high that it represents additional evidence that the forecasts for California are exceptionally optimistic. Load factors are materially smaller on other, well-established systems (Figure 3).¹⁴⁴

- The TGV (*Train à Grande Vitesse*) high-speed rail system in France claims a load factor of 71 percent. The French system prides itself on effective "yield management" techniques¹⁴⁵ for filling seats and may have reached a practical load factor limit.¹⁴⁶ The CHSRA's projected load factor is nearly 20 percent higher than the impressive French figure.
- Amtrak's Acela has an estimated load factor of approximately 55 percent.¹⁴⁷
- The Spanish high-speed rail system achieved a load factor of 60 percent in 2004.¹⁴⁸

In addition, a National Research Council study of the prospects for high-speed rail in the United States assumed a 50 percent load factor in modeling a prototypical system.¹⁴⁹

In 2007, domestic airlines achieved a load factor of 80 percent.¹⁵⁰ This is an unprecedented figure for the airlines, which had historically achieved between 60 and 70 percent load factors. Such a high figure is not likely with respect to a high-speed railway because of important operational differences.



Trains stop at multiple stations and are likely to have lower load factors than airliners, which generally do not make intermediate stops. A Los Angeles–San Francisco train stopping at Palmdale might also stop at a number of stations such as Bakersfield, Fresno, Merced, Gilroy, San Jose, Redwood City or San Francisco Airport. Between each of these locations, other passengers can ride, leaving seats empty for other parts of the trip. In short, it is rare that all the seats on trains are filled from the train's origin station to its ultimate destination station, except of course when it is a non-stop train operating at a peak period, such as a San Francisco to Los Angeles express.

Thus, it is more difficult for a rail line to achieve airline-style high load factors. The CHSRA's forecast of an 85 percent load factor appears to be far greater than is likely to be achieved and therefore lacks credibility.

Comparison to Acela Projections

During the 1990s, Amtrak announced plans to improve the speed of and expand its high-speed rail operations in the Northeast Corridor (NEC), between Washington, New York and Boston.¹⁵¹ In the Boston–New York sector alone, Amtrak projected an increase of two million annual riders on its Acela service.¹⁵²

Yet in 2007, ridership was only 1.1 million passengers higher over the *entire* Washington–New York–Boston corridor than in 1997.¹⁵³ In 1997, the Metroliner service, later replaced by the Acela, carried 2.1 million passengers. In 2007, the Acela service carried 3.2 million passengers. Thus, the actual ridership increase was at least 45 percent below the projection.¹⁵⁴

The NEC's high-speed ridership is starkly different than the CHSRA's projected ridership. Amtrak's current ridership of 3.2 million annually is 95 percent below the CHSRA intercity projection of approximately 65.5 million riders. Even if the regional Amtrak trains operating over the NEC are added, the total annual ridership is only 10 million—less than 20 percent of the CHSRA 2030 Base Projection for the California HSR system. Moreover, the Acela's modest ridership increases have occurred at the same time that gasoline prices have risen by an unprecedented magnitude. Finally, the NEC metropolitan areas in 2006 had a population of 44.3 million, slightly more than the CHSRA's current 2030 projection for the California corridor at 43.8 million.

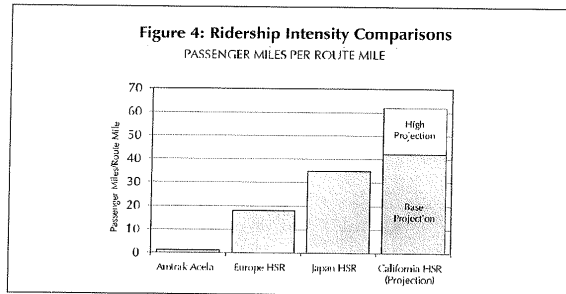
As in the case of Japan and Europe below, the Northeast Corridor is a historically strong route. Current ridership does not principally consist of travelers diverted from automobile and air trips, but rather from retaining passengers who were already traveling by rail. The rail trips that might be retained in California are a small fraction of the proposed ridership.

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Unrealistic Ridership Intensity Projection

Ridership intensity—passenger miles per route mile—is a measure of the demand that exists for HSR service on a particular system (See Figure 4).



CHSRA projects ridership intensities that are far above those achieved in Japan, France and the Northeast Corridor, each of which is at least comparable or superior to the California market in its underlying HSR market dynamics. (See Part 3, International Experience.)

- Amtrak Acela.** It is estimated that Amtrak's Acela service achieves approximately 1.2 million passenger miles per route mile.¹⁵⁵ The CHSRA ridership intensity of 42 million to 62 million passenger miles per route mile is more than 30 times the Acela ridership intensity.
- Japan's Bullet Train.** In 2005, the Bullet Train system registered a ridership intensity of 33 million passenger miles¹⁵⁶ of travel per route mile.¹⁵⁷ The CHSRA is projected to attain a far higher 42 million to 62 million intercity passenger miles¹⁵⁸ of travel in 2030.¹⁵⁹
- France's TGV.** The CHSRA's ridership projections are also higher than the TGV system in France, which carried 29 million passenger miles per route mile in 2006.¹⁶⁰ The California HSR system is projected to carry 42 million to 62 million intercity passenger miles per route mile—a substantially higher ridership intensity than is found on the French TGV.
- The FRA Projection:** The FRA projected ridership intensity of 10.7 million passenger miles per route mile on the California HSR system, adjusted for market growth to 2030. The CHSRA ridership intensity of 42 million to 62 million passenger miles per route mile is four to six times the FRA projection.¹⁶⁴

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The California HSR ridership intensity projections are far above the actual experience of mature high speed rail systems in Japan, France and the Northeast Corridor. Moreover, they are far above the independent projection for a similar California corridor. This is further indication that the CHSRA ridership projections are unrealistically high.

Unattainable Speeds Reduce Potential

CHSRA claims that HSR would enable travel between downtown Los Angeles and downtown San Francisco in 2 hours and 38 minutes. However, this Due Diligence Report estimates that the fastest non-stop expresses would take much longer—3 hours and 41 minutes. (See Part 4, Forecasting Speed, Federal Safety Standards and Security in Age of Terrorism for additional reasons for potentially slower trip times.) Slower travel speeds would reduce the attractiveness of HSR relative to airlines and result in lower levels of ridership.

Moreover, there will be few non-stop expresses, perhaps from four to six trains between the two downtown stations daily (See Part 4, Passenger Convenience). This means that most if not all trains will fail to achieve the aggressive travel time that CHSRA projects. Each stop added to a train schedule lengthens its travel time. Less frequent express trains will make HSR less competitive with airlines and reduce its potential to achieve the CHSRA ridership projections.

Fare Revenues: Extremely Low

Fare levels are an important factor in demand modeling. If lower fares are assumed, the resulting ridership projection will generally be higher. A review of commercial revenues indicates the likelihood that projected fares are far below levels on other high-speed rail systems. This is another factor that suggests that the ridership projections are high.

For example, the projected San Francisco–Los Angeles unrestricted business class fare is proposed to be \$70 in 2030.¹⁶² The California HSR will thus have fares below that of other major HSR systems. The highest fares (business class) are Tokyo–Osaka \$135, Paris–Marseille \$140 and New York–Washington \$172.¹⁶³ Each of these is a major market in which the travel times of HSR and airlines are comparable.

Moreover, CHSRA data indicates 2030 commercial revenues to be the equivalent to \$0.10 per passenger mile.¹⁶⁴ It is always risky to make international cost comparisons, however these differences, on the order of three to one, suggest that CHSRA is relying on unrealistic fare assumptions. Compare that estimate with the following:

- Japan.** The Bullet Trains on each of the three main Japanese HSR lines received the equivalent of between \$0.31 and \$0.33 in revenue per passenger mile in 2007.¹⁶⁵

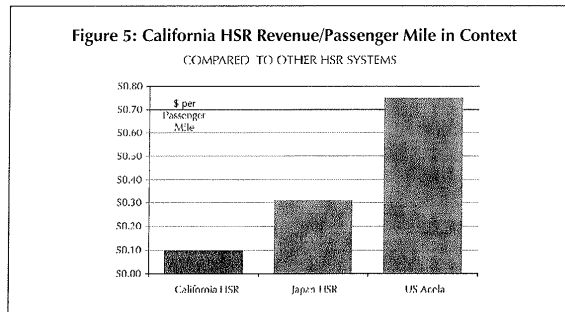
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- **France:** While commercial revenue for the world's second largest high-speed rail system is unavailable, business class fares are higher in France than in Japan, indicating an even higher cost structure. Further, TGV fares could rise substantially above their current levels. It has been reported that the French national railway (SNCF) may be required to increase fares as much as 80 percent by 2015 to pay for track improvements maintenance and debt service.¹⁶⁶
- Neither the Japanese nor the French system is saddled with the huge debt service payments that will be required of the California HSR system, making the low-fare revenue assumptions look even less achievable.
- The discrepancy between proposed CHSRA fare levels and those of Amtrak's Acela are even more stark. It is estimated that in 2007, the fare revenue per passenger mile on Acela was approximately \$0.75, excluding ancillary revenues.¹⁶⁷ This is more than seven times the CHSRA's projected revenue per passenger.

The experience of such HSR operators leads to the conclusion that the proposed fares are unrealistically low (see Figure 5). It seems likely that the CHSRA will have to charge higher levels in its efforts to achieve profitability—or simply to cover higher-than-anticipated costs—which would result in lower ridership.

The effect of the higher fares likely to be necessary would be that HSR in California will be a less potent price competitor in the marketplace than the CHSRA planners assert. This is another factor that makes it unlikely that the CHSRA's ridership projections are realistic.



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Commuter Projections Appear Overstated

Unlike some HSR systems, CHSRA plans to provide a substantial amount of “commuter service,” within regions, principally in Southern California and the Bay Area. For example, CHSRA would be targeting people traveling to work between Orange County and downtown Los Angeles and between San Jose and downtown San Francisco.

CHSRA indicates that its commuter fares would be set 50 percent above those of conventional commuter rail. This usage is not projected to provide the greatest part of the commercial revenue, nonetheless the projections appear to be high.¹⁶⁸

- In Southern California, annual HSR commuter ridership is projected to exceed 18 million in 2030. The HSR commuter rail service would radiate on three lines from Los Angeles Union Station (toward Palmdale on the line to San Francisco; to the Inland Empire on the line to San Diego; and a “stub” line to Orange County). In 2006, the commuter rail systems in Los Angeles (Metrolink) and San Diego (The Coaster) combined carried 13 million annual riders¹⁶⁹ on eight lines.
- In the Bay Area, 4.5 million annual HSR commuter riders are projected in 2030. The present Peninsula commuter rail line (Caltrain), and the Altamont Commuter Express (ACE) that uses the Altamont Pass on its Stockton–San Jose routing, carried 9.6 million riders in 2006.¹⁷⁰ Another 1.5 million passengers are being carried on the Capital Corridor trains (Sacramento–Oakland–San Jose). Thus, HSR is projected to add approximately 40 percent to current commuter rail volumes.¹⁷¹

The HSR commuter ridership projections appear to be enormously high for two reasons. The first is that the far higher fares seem likely to deter ridership, even at greater speeds. The second is that there is little potential for increasing commuter rail ridership overall. Commuter rail, as a transit mode, is most effective in serving downtown destinations, which have the highest concentration of employment locations. Other stations tend to have far fewer jobs that can be easily accessed by walking from the station or by quick, frequent and convenient local transit services. It does not appear that the market exists for such a large increase in commuter rail ridership. Thus, as in the case of intercity ridership, HSR commuter ridership appears to be greatly overestimated.

CHSRA 2030 Ridership Projections: Absurd

The CHSRA 2030 Ridership Projections are indicated as very optimistic by the reasonableness tests above. The CHSRA explains the higher 2030 ridership projections as follows:

These new ridership forecasts are higher than those analyzed in the previous program EIR/EIS for the HSR system; however, this analysis is consistent with that provided in the previous document because the infrastructure and facilities footprints analyzed in that document would accommodate the new ridership forecasts.¹⁷²

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The explanation is unsatisfactory because infrastructure and facilities do not increase the size of the market nor do they materially increase ridership. This is akin to arguing that building a larger stadium will materially increase attendance at football games in and of itself. In fact, demand is independent of capacity. Providing additional HSR service is unlikely to materially increase demand. Moreover, the fact that this unsubstantiated increase occurred relative to an investment-grade projection could justify considerable skepticism.

Both the CHSRA 2030 Base and 2030 High ridership projections are far above the 2020 Investment Grade projection and the independent projections (all adjusted to 2030). Moreover, this Due Diligence report notes that CHSRA has often cited the higher, more optimistic projections, without reference to its own more conservative projections in its analysis and promotion.

Overall, both the 2030 CHSRA Base Ridership Projection and the 2030 CHSRA High Ridership Projection are so optimistic as to be characterized as "absurd."

Due Diligence Ridership Projections

Based upon a review of available data and projections, this report provides a range of realistic intercity ridership projections for 2030.¹⁷³ Commuter ridership is assumed to vary from CHSRA projections by the same percentage as intercity ridership, since insufficient ridership and revenue data is available in CHSRA documents. Further, commuter ridership is not integral to the financial success of the project. The projections of this Due Diligence Report are as follows:

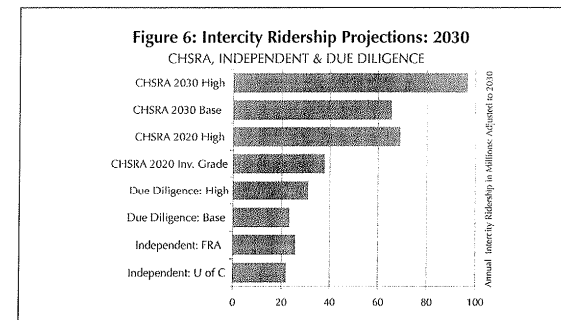
- 2030 Due Diligence Base Projection.** A realistic base forecast is that annual intercity HSR ridership would reach 23.4 million passengers. This is 64 percent below the CHSRA 2030 Base Projection of 65.5 million passengers. Even more striking, it is 76 percent below the CHSRA 2030 High Projection of 96.5 million passengers.¹⁷⁴
- 2030 Due Diligence High Projection.** A realistic high forecast is that the annual intercity ridership would be 31.1 million. This higher ridership forecast would be more likely if airline fares, or to a lesser degree, automobile operating costs should rise materially relative to HSR fares. This is 53 percent below the CHSRA Base Ridership Projection of 65.5 million passengers and 68 percent below the CHSRA High Ridership Projection of 96.5 million passengers.

This report's due diligence projections are compared to other projections in Table 6 and Figure 6, adjusted to 2030 and adjusted for route segments not in the original projections. None of the projections, by the University of California Berkeley, by the Federal Railway Administration or by this report reaches the adjusted 2030 level of the CHSRA's 2020 Investment Grade Projection.

Table 6: Comparison: Intercity Ridership Projections & Adjustment to 2030

Title	Explanation	2030 Projection* (Millions of Annual Riders)	Projection Compared to CHSRA 2030 Base Projection
2010 University of California Projection	SF-Sacramento- LA-San Diego only route study by the University of California Transportation Center Berkeley (1994)	22.1	-66%
2020 FRA Projection	SF-LA-San Diego only route study by the Federal Railroad Administration (1997)	25.8	-61%
2020 Investment Grade Projection	Ridership projection by CHSRA indicated as base for 2020. Also called "investment grade." Produced by Charles River Associates (2000)	37.9	-42%
2020 High Projection	Ridership projection by CHSRA indicated as "sensitivity analysis" or "high" for 2020. Produced by Charles River Associates (2000)	69.1	+5%
CHSRA 2030 Base Projection	Ridership projection by CHSRA indicated as base for 2030. Produced by Cambridge Systematics (2007)	65.5	0
CHSRA 2030 High Projection	Ridership projection by CHSRA indicated as "sensitivity analysis" or "high" for 2030. Produced by Cambridge Systematics (2007)	96.5	+47%
2030 Due Diligence Base Projection	Ridership projection considered most likely by this report. (2008)	23.4	-64%
2030 Due Diligence High Projection	Ridership projection considered highest likely by this report. (2008)	31.1	-53%

* Note: Where the projection year is before 2030, projections are estimated upward to account for market growth to 2030, using CHSRA assumptions. Adjustments are also made to make route lengths comparable. Original projection figures are in Table 5.



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Summary of Ridership Differences

Extensive differences exist between the various CHSRA projections. That, combined with the substantial disparities between the current CHSRA projections with high-speed rail systems elsewhere in the world indicates a pattern consistent with ridership over-projections for projects documented in the international experience.¹⁷⁵ Excessive ridership and revenue projections are a serious concern because any financial plan will require sufficient ridership to cover operating expenses, principal and interest on bonds, and the return on investment for private participants.

It is highly likely that the ridership projections will pose substantial problems for the project, the state taxpayers, and private investors as the revenue projections fall far short of providing the required project funding.

This study is not the first instance where concerns about the California HSR ridership projections have been raised. Even before the much higher 2030 ridership projections were released, the CHSRA's forecasts had come under unusually provocative criticism. University of California professor and transportation textbook author William Garrison characterized claims of massive ridership and low fares as "outrageous statements and lies,"¹⁷⁶ which echoed the evaluation of the world infrastructure research previously cited.

Former State Senate President James Mills—considered the "father" of the San Diego Trolley—served on the CHSRA board. It is reported that Mills resigned from CHSRA at least partially because he "couldn't get the truth" out of staff. In 2004, he is reported to have "described the entire project as 'based on a fallacy' of wildly exaggerated ridership projections. It stems, he said, 'from hiring a consulting firm (and) letting them know what you want them to say.'"¹⁷⁷

In 2008, Mills said he is skeptical it will attract the level of private funding that the CHSRA envisions, adding: "I think it's a scam. It commits the state to \$10 billion and we don't even know if we will get a high-speed rail system for it."¹⁷⁸ These are extraordinary statements from a long-time and continuing rail supporter, who nonetheless, points to a significantly flawed planning process.

There are multiple indications that the CHSRA ridership projections appear to be absurdly high. Ridership inflation is consistent with the experience of demand exaggeration that has been identified in the world infrastructure research. As a result, it can be expected that CHSRA fare revenue will be far less than anticipated, leading to financial difficulties. (See Part 9, Due Diligence Financial Projections.)

Conclusion

Based upon an examination of the market and the international experience with ridership projections, it appears that the CHSRA 2030 ridership projections are absurdly high. It is likely

that the HSR will fall far short of its revenue projections, leading to a need for substantial additional infusions of taxpayer subsidies.

The CHSRA's ridership forecasts could well rank among the most unrealistic projections produced for a major transport project anywhere. That is because the projections reflect assumptions that are contrary to actual experience, forecasts are inconsistent with independent projections, load factors and passenger miles-per-route mile calculations ("ridership intensity") are questionable, and studies rely on extraordinarily low fares that are not found on similar HSR systems.

This study—which relies on assumptions that are generous to HSR—projects 2030 intercity ridership at from 23.4 million to 31.1 million, which are 64 percent and 53 percent lower, respectively, than the CHSRA's same-year base projections.

B. Forecasting Costs

Capital costs have risen from the CHSRA's 1999 business plan estimate of \$30.3 billion for the entire system to a \$45.4 billion estimate in 2008 for Phases I and II alone. Depending upon future plans, costs could increase to between \$51.4 billion and \$82.3 billion (all in 2006\$.) It is likely that HSR will require substantial additional taxpayer funding to complete Phase I, Phase II, the "Missing Phase" and the "Implied Phase."

Evolution of Capital Costs

The projected capital costs of HSR have risen strongly during the planning process, even after adjustment for inflation. (All data is adjusted to 2006\$.)¹⁷⁹

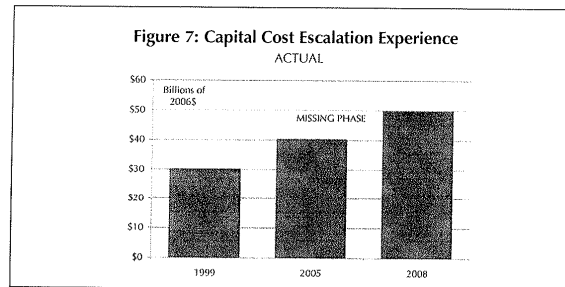
The 1999 CHSRA *Business Plan* estimated that the entire system would be built for \$30.3 billion (\$25 billion in 1999\$). The 2005 EIS/EIR raised the estimate to \$40.5 billion. By 2008, documents prepared for a meeting for potential investors indicated that the costs had risen to \$45.4 billion. This figure included \$30.7 billion for Phase I (Anaheim to San Francisco) and \$14.7 billion for Phase II (Sacramento and San Diego extensions).¹⁸⁰

However, the investor documents with the \$45.4 billion figure do not appear to include the Oakland-East Bay to San Jose section that was in the original proposal (Senate Bill 1856).¹⁸¹ Should the \$45.4 billion figure include only Phases I and II, however, then the "Missing Phase" of Oakland-East Bay–San Jose would increase the cost to approximately \$50.2 billion.¹⁸² Thus, the cost of the HSR system rose a minimum of 50 percent from 1999 to 2006 (from \$30.3 billion to \$45.4 billion and to \$50.2 billion when including the "Missing Phase"), as shown in Table 7 and Figure 7.

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Table 7: Capital Costs: Evolution (in Billions of Dollars)

Planning Document	Inflated to 2006\$	Original Estimate	Year\$ of Original Estimate
Business Plan: 2000	\$30.3	\$25.0	1999\$
FEIS: 2005	\$40.5	\$37.0	2003\$
Investor Package 2008	\$45.4	\$45.4	2006\$
Phase 1 San Francisco-Los Angeles-Anaheim	\$30.7	\$30.7	2006\$
Phase 2 Sacramento-Merced, Los Angeles-San Diego	\$14.7	\$14.7	2006\$
Investor Package 2008: with Missing Phase	\$50.2	\$50.2	2006\$
Phase 1 San Francisco-Los Angeles-Anaheim	\$30.7	\$30.7	2006\$
Phase 2 Sacramento-Merced, Los Angeles-San Diego	\$14.7	\$14.7	2006\$
Missing Phase: Oakland-East Bay-San Jose ¹⁸³	\$4.8	\$4.8	2006\$



It is typical for costs to rise further as more detailed planning and engineering proceeds. There is much more of such work to be done and thus, potential for further capital cost increases.

World Infrastructure Research Findings

The already experienced cost increase may be just the beginning. Comprehensive international research has identified such cost increase trends as the rule rather than the exception for large transportation projects.

European researchers reviewed the capital cost experience of 258 transportation projects in Europe and North America from 1927 to 1998.¹⁸⁴ They found that cost escalation from the point of project approval to completion can be as much as from 50 percent to 100 percent above projection and cost overruns occurred in 9 out of 10 projects.¹⁸⁵ The average cost escalation for rail projects was 45%. Further, this world infrastructure research concluded that initial project estimates have *not* become more accurate over time.¹⁸⁶

Boston's "Big Dig" highway project is particularly noteworthy. Flyvbjerg et al., note that the project cost increased by nearly 200 percent, escalating to a final bill of nearly \$15 billion.¹⁸⁷ Overseas, the Channel Tunnel's actual construction and financing costs turned out to be 140 percent higher than forecast.¹⁸⁸

The world infrastructure research found that projections typically lacked realism and failed to take into consideration risks such as unanticipated project delays, changes in specifications and unanticipated geologic risks.¹⁸⁹ In an article published by the Transportation Research Board of the National Research Council (United States), Skamris and Flyvbjerg conclude:

*All of this combines to create an environment in which cost forecasts are often optimistic, raising taxpayer costs well above the projections used when projects are approved. This is an international problem, as a National Research Council study reported: "... the main lessons are that cost overruns of 50 to 100 percent are common; overruns of more than 100 percent are not uncommon."*¹⁹⁰

The world infrastructure research concluded that "Megaproject development is currently a field where little can be trusted, not even—some would say especially not—numbers produced by analysts."¹⁹¹ Moreover, after considering numerous explanations for the pervasiveness of unrealistically low estimates, the researchers attribute underestimated costs to "strategic misrepresentation, namely lying, with a view to getting projects started."¹⁹² The use of the term "lying" in academic research is highly unusual, which given the strong reputations of the authors represents a strong indictment of megaproject planning.

The report of the California Senate Transportation and Housing Committee raises these concerns:

*California's high-speed rail project is a "mega" project. The cost, schedule, project scope and risks associated with such a project are unusually large. This has been demonstrated in mega projects throughout the world. For example, Boston's Big Dig, the Eurotunnel (or "Chunnel") linking Great Britain with France, and the Denver Airport experienced substantial difficulties controlling project cost, schedule and budget. Each of these large infrastructure projects deployed technologies that were known and understood, but each was delayed and came in significantly over budget."*¹⁹³

Finally, according to the president of the Korean national railway (Korail), the new South Korea high-speed rail system experienced capital costs that were three to four times the original projection.¹⁹⁴

The experience thus far with the California project cost projections is consistent with the experience described in the world infrastructure research. Additionally, as noted above, it seems highly likely that the project will become even more expensive as planning and engineering moves from CHSRA and consultant offices to "the field" and actual construction.

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Appropriately Designing Megaprojects

The cost escalation (and customer usage, see Section IV, Forecasting Ridership) identified with respect to these large transportation projects does not mean that they should not be built. It does suggest, however, the importance of skillful and effective project management design. Avoiding the mistakes so prevalent in the research requires appropriately structuring the incentives and project delivery mechanisms. One of the most important concerns is the conflict of interest that arises with projects that are developed and promoted by governments. As Flyvbjerg et al., note:

...can a government act effectively both as promoter of megaprojects and as the guardian of public interest issues ... shielding the taxpayer against unnecessary financial risks? We answer the question in the negative.¹⁹⁵

Another problem is that major project management firms, consulting companies and construction contractors bear virtually none of the financial risk and thus, as experience has shown, have insufficient incentives to ensure that project estimates are accurate and that costs are kept under control.

The problem for California is that the CHSRA project combines the worst of megaproject incentives—a government agency serving the role of promoter (rather than objective evaluator) and virtually no cost control risk being assumed by project management, consulting and construction companies.

The California Cost Challenge

At the same time, the California HSR project could be at particular risk of additional cost escalation because of the unique circumstances of its environment. In particular, it will be necessary to build the system in one of the world's most active geologic zones. This requires compensating for geologic risk in designing the high-speed rail system to withstand major earthquakes. For example, the second most intense earthquake in the lower 48 states since 1900 was the Tehachapi or Kern County earthquake of 1952, which had its epicenter near Arvin, not far from the currently planned alignment of the high-speed rail route between Bakersfield and Palmdale.¹⁹⁶ Long tunnels are anticipated. Building enduring tunnels in potentially unstable conditions could result in substantial capital cost increases as the project is developed further. The difficulties are acknowledged by CHSRA:

The Tehachapi mountain range crossing for the proposed HSR system would present difficult terrain and require extensive tunneling to accomplish the necessary traversing alignments. In the screening evaluation, alignment options were considered that could require a total of more than 80 miles (129 km) of twin-tube tunneling, including the potential for continuous tunnel segments of more than 30 mi (48 km). Crossing the Tehachapi Mountains between Los Angeles and Bakersfield could require 30 to 45 total miles (48 to 72 km) of tunneling in extremely challenging seismic and geologic conditions. These mountain crossings and the required tunneling would represent serious challenges for the construction of a proposed HSR system.¹⁹⁷

In short, the cost to build the tunnels will be directly related to the length of tunnels, the complexity of their design and construction, and their ultimate routing, and none of these issues is settled at this time.

What CHSRA consultant Lehman Brothers has called “political meddling” could add further costs required by changes in plans or phasing. This is illustrated by a position expressed to the CHSRA's board of directors by former Oakland Mayor and now State Attorney General Jerry Brown:

I think you are going to want take Oakland into account in a serious way and not in an afterthought. And who knows, even by that time Oakland will have a lot of political power.... if you want to build two lines up on the East Shore as well as the Bay Shore, what's a few extra billion dollars among friends?¹⁹⁸

As noted above, the Oakland-East Bay-San Jose line appears to have become an afterthought, being excluded from Phases I and II and representing the “Missing Phase.”

Political pressures could lead to adding stations even when ridership, cost and environmental considerations indicate they are unjustified—as is the case with Visalia/Tulare/Hanford. In 2005, the CHSRA issued documentation stating, “The BNSF alignment is the preferred option for the HSR services between Fresno and Bakersfield with no potential station between Fresno and Bakersfield (emphasis by CHSRA).”¹⁹⁹ Documentation also states that the stop has “low ridership potential compared to other potential station locations investigated by the Authority”²⁰⁰ and “not having the Hanford HST station would eliminate the alignment through Hanford, resulting in cost savings of about \$420 million plus less potential environmental impact since the HST alignment would avoid the Hanford urban area.”²⁰¹ Despite such ridership, environmental and cost liabilities, the CHSRA in 2008 authorized a feasibility study to provide for a station serving the Hanford-Visalia area—an announcement included at the bottom of a press release on a completely different subject (greenhouse gas emissions).²⁰² As of September 2008, CHSRA shows Visalia/Tulare/Hanford as a station on its interactive website map.²⁰³

Finally, community pressures could lead to the necessity of additional improvements that are not included in present cost projections. This could include, for example, placing HSR tracks either in tunnel or covered trench through some areas or adding sound walls on elevated structures to mitigate noise levels in urban neighborhoods.

Financial Uncertainty

Cost increases could pose substantial problems for the project, the citizens of the state, state government, private investors and even local governments.²⁰⁴ The current plans fall far short of providing the funding that would be required for the project, even Phase I. (See Part 4, Financial Uncertainty.)

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Currently, the plan is to undertake construction of a "Phase I." This would provide service from Anaheim, through Los Angeles and the San Joaquin Valley to San Jose and San Francisco. This section, as noted above, is projected to cost nearly \$30.7 billion (2006\$). Yet, the financing plan is by no means set.

This factor creates substantial risks. Failure to secure complete and timely funding for Phase I could cause construction activities to be extended much longer than intended. As a result, many more years could be required for service commencement, or only limited service might be operated. This would have significant negative impacts on overall financial performance, especially because of CHSRA's operating ridership revenue projections that are considered to be highly optimistic. (See Part 4, Forecasting Ridership.)

More expensive route sections would be particularly at risk, should insufficient funding be available to finance the likely increasing costs of construction. For example, the sections in the San Francisco Bay area and the Los Angeles area might be forgone altogether. Instead, trains on a "skeletal" HSR system would gain access by sharing tracks with slower commuter rail and freight trains on the Peninsula line in the San Francisco area and Metrolink in Los Angeles and Orange County.²⁹⁵ This would considerably slow operations and make service less reliable. Given the crucial nature of minimal travel time, any such cost cutting measure could seriously reduce ridership and revenues, while putting investors at serious risk.

There is currently no financing plan for Phase II of the project, which would extend service to Sacramento and San Diego from both San Francisco and Los Angeles. Should cost or financing difficulties arise with respect to Phase I (a likely event), construction of the Sacramento and San Diego extensions could be indefinitely delayed, if not cancelled altogether, or alternate routings via existing rail lines could be proposed. (See Part 8, If the CHSRA Runs Out of Money.)

The potential cost problems extend to comparisons made by the CHSRA with highly exaggerated alternatives for highway and airport expansion that are used to suggest that "high-speed trains would cost less than half as much to build over 30 years than other transportation options." (See Part 5, Alternatives to Building the HSR System.)

All such factors indicate that further capital cost escalation is likely, which would lead to misallocation of scarce resources, which, in turn, will produce losers among those financing and using infrastructure, be they taxpayers or private investors.²⁹⁶

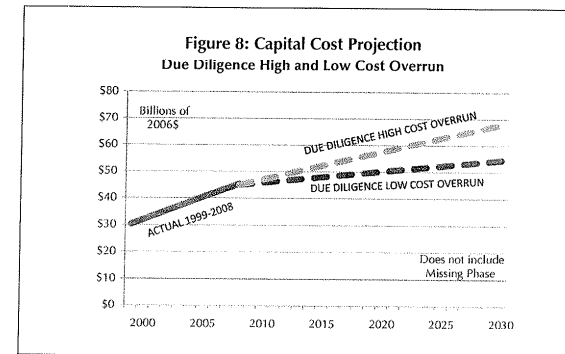
Due Diligence Cost Projections

If, as is already apparent, the international capital cost escalation experience applies in California, it is reasonable to expect capital cost overruns. This report offers a Due Diligence Base Capital Cost Projection of 20 percent above current plans and a Due Diligence High Capital Cost Projection of 50 percent above the current figure (Table 8 and Figure 8). These projections are

considered conservative in light of the international research documenting even greater cost escalation and the recent overall escalation in construction costs that has occurred in the economy.

- If it is assumed that the investor documentation represents the entire system that will be built, then the final estimated capital cost would rise from \$45.4 billion to between \$54.5 billion and \$68.1 billion (2006\$).²⁹⁷
- If it is assumed that the entire system is built, including the Missing Phase, then the final estimated capital cost would rise from \$50.2 billion to between \$60.2 billion and \$75.3 billion (2006\$).²⁹⁸

	CHSRA Projection	Due Diligence Low Projection	Due Diligence High Projection
Phases I & II	\$45.4	\$54.5	\$68.1
With Missing Phase (Oakland-East Bay-San Jose)	\$50.2	\$60.2	\$75.3
In billions of 2006\$			
Does not include Implied Phase			



Operating Costs

Further, the projected operating cost for the HSR system appears to be low. This is illustrated by analysis of data of comparable projects.

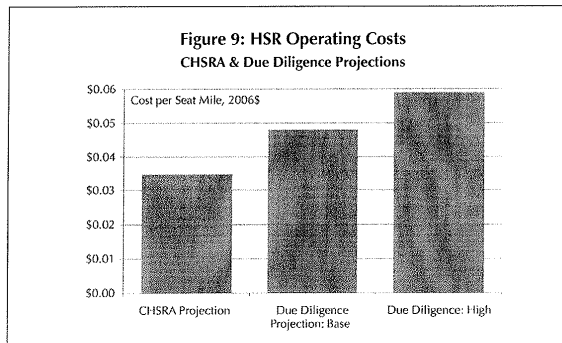
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The operating cost per seat mile from the FRA study for the California corridor (2006\$) is approximately 40 percent higher than that of the CHSRA projections. A Transportation Research Board report estimated the operating costs of the now defunct Texas TGV at more nearly 70 percent higher than the CHSRA operating cost projections.²⁰⁹

Based upon these costs, the Due Diligence Base Operating Cost Projection is 30 percent above CHSRA figures and the Due Diligence High Operating Cost Projection is 60 percent above CHSRA forecasts (Figure 9).²¹⁰ The potential for additional operating costs could arise depending upon the performance of trains that have yet to be designed to U.S. standards and the level of security that might ultimately have to be built into the system, but such costs cannot be determined at this time. (See Part 4, Federal Safety Standards and Security in Age of Terrorism.)



Conclusion

Capital costs have risen from the CHSRA's 1999 business plan estimate of \$30.3 billion for the entire system to a \$45.4 billion estimate in 2008 for Phases I and II alone. Depending upon the final extent of the system that is built, capital costs could increase to between \$51.4 billion and \$82.3 billion (all in 2006\$.) It is likely that HSR will require substantial additional taxpayer funding to complete Phase I, Phase II, the Missing Phase and the Implied Phase.

There is overwhelming international evidence that the capital costs of mega projects, including HSR projects like the California HSR, tend to increase substantially. Moreover, the experience with HSR operating costs indicates the potential for much higher costs than are being assumed by the CHSRA.

C. Forecasting Speed

Based upon an examination of operating conditions and the international HSR experience, it appears that the CHSRA speed and travel time objectives cannot be met. As a result, HSR will be less attractive as an alternative to airline travel and is likely to have fewer passengers.

Travel time is a critical factor for HSR in competing against airlines. If the actual travel times are slower than projected, ridership is likely to be lower than projected.

HSR already faces a challenge to its ability to minimize travel times by its circuitous routing. The airline distance between Los Angeles and San Francisco is approximately 345 miles. The road distance is approximately 380 miles. CHSRA documentation uses various rail route lengths between San Francisco and Los Angeles, ranging from 432 miles to 490 miles.²¹¹ The longer HSR routings would make non-stop travel times longer.

Senate Bill 1856 establishes maximum travel times for non-stop services between various terminals. For example, HSR is required to achieve a 2 hour and 42 minute travel time between downtown Los Angeles and downtown San Francisco. The CHSRA's projections indicate that this requirement would be met (2 hours and 38 minutes via the preferred Pacheco Pass alignment and 2 hours and 36 minutes via Altamont Pass).

However, in some corridors, current plans *do not* anticipate achievement of the statutorily required travel times. These corridors are illustrated in Table 9. Perhaps most notably, anticipated Los Angeles–San Diego travel times are nearly one-third longer than the statutory requirement (1 hour and 18 minutes versus 1 hour).²¹²

Table 9: Comparison of Statutory and Planned Travel Times			
Route	Statutory Requirement*	Plan: Pacheco	Plan: Altamont
San Francisco-Los Angeles Union Station	02:42	02:38	02:36
Oakland-Los Angeles Union Station	02:42	02:30	02:23
San Francisco-San Jose	00:31	00:30	NA
San Jose-Los Angeles	02:14	02:09	02:19
San Diego-Los Angeles	01:00	01:18	01:18
Inland Empire-Los Angeles	00:29	00:33	00:33
Sacramento-Los Angeles	02:22	02:11	02:17
Sacramento-San Jose	01:12	01:18	00:49
Indicates statutorily required time not achieved			
Travel Times from NCEIS Table 2.3-1 and Figure 4E-1.			
* Statutory times are from Senate Bill 1856. Assembly Bill 3034 slightly changes non-stop operating times, with the exception of Sacramento–San Jose, which would no longer have a maximum non-stop operating time specified in law, and Los Angeles–San Diego, which increases to 01:20.			

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The Sacramento to San Francisco HSR travel time (not mentioned in the statute) would not be generally materially superior to cars, at approximately 1 hour and 50 minutes (Sacramento to San Jose at 1 hour and 18 minutes plus 30 minutes to San Francisco).

More fundamentally, while state legislation outlines travel time requirements for non-stop trains it does not require non-stop services. As a result, it appears that the CHSRA can skirt the statutory travel time requirements by simply not providing non-stop service over these particular routes. The latest CHSRA principal document (the NCEIS)²¹³ is internally inconsistent on this matter, in one place stating that there will be non-stop service and in another indicating that the longer routes (such as downtown San Francisco to downtown Los Angeles) will have one intermediate stop. (See Part 4, Passenger Convenience.)

Unprecedented Average Speeds

More importantly, it appears that it will be challenging for HSR to achieve the statutorily required travel times. This is indicated by comparing the proposed speeds to the fastest operating segments in other countries operating HSR (Table 10). The CHSRA documentation provides express operating times between stations. The longest segment of route not in one of the five largest urban areas is from Palmdale to Gilroy. The Authority indicates an express operating time of 1 hour and 35 minutes for this 312-mile segment. At that speed, HSR would average 197 mph, which is unprecedented anywhere in the world. This is a full 25 mph faster than France's fastest TGV service (on the TGV-Est, the world's fastest HSR line), which is on a much shorter segment. It is also 38 mph faster than the world's fastest operating segment that is longer than Palmdale to Gilroy (TGV, Paris to Avignon).

Segment	Mileage	Travel Time	Average Speed (mph)
CA-HSR Trunk (Gilroy-Palmdale)	312	01:35	197
France: TGV-Est (200 mph)	104	00:36	174
France: TGV Paris-Avignon (186 mph)	408	02:34	159
Japan: Bullet Train	90	00:34	159
Taiwan	111	00:44	152
Germany: ICE Train	83	00:34	146
China: Beijing-Tianjin (217 mph)	70	00:30	140
Spain: AVE	191	01:21	126
South Korea	100	00:50	120
Italy	162	01:31	106

Data from CHSRA and Railway Gazette International and www.china-briefing.com/news/2008/08/01/beijing-tianjin-high-speed-train-service-launched.html

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Moreover, the California HSR speed challenges are generally greater than those faced by other HSR systems. This conclusion results from an analysis of route length, share of length in built-up (urban) areas and projected speed estimates as contained in project documents.

On the California route, approximately *one-third* of the operation will be in urban areas (built-up areas), while in France, less than *one-tenth* of the operation is in urban areas. In contrast to the California HSR proposal, French high-speed rail trains generally have only their terminal stations in urban cores (such as Paris and Marseille on the Paris-Marseille line), with intermediate stations located outside urban areas or in very low density suburban areas. This allows higher speeds for longer distances.

Topography

Higher mountain passes and greater elevation changes can slow high-speed rail. The Paris-Marseille route is far more "HSR friendly" than the San Francisco-Los Angeles route. Paris-Marseille is largely at low elevations, facilitating higher speeds, and has a single significant pass of approximately 1,500 feet. The California line would encounter more challenging topography. The line would begin at near sea level in Los Angeles, reach approximately 4,000 feet between Sylmar and Bakersfield, drop back to near sea level in the San Joaquin Valley, return to more than 1,000 feet in the Pacheco Pass, and then drop again to near sea level in the San Francisco Bay Area. These operating conditions would tend to reduce speeds relative to the Paris-Marseille line.

Yet, HSR projections call for a higher average speed on the California line than on the Marseille line. A Los Angeles-San Jose non-stop train is slated for an average speed of nearly 180 mph, according to CHSRA.²¹⁴ The fastest average travel time for non-stop Paris-Marseille trains is approximately 155 mph.²¹⁵

Political Impacts on Speed

Political considerations could slow train travel times even more, as local citizens seek to slow train speeds to reduce noise levels and as communities seek to obtain stations that are not in the current plan. Additional stations would require additional slower operations through built-up areas.²¹⁶

For example, the current HSR Phase I map²¹⁷ does not include Merced on the Los Angeles to San Francisco route. However, much HSR documentation indicates a Merced station on that routing, including the NCEIS. A political expectation may have been created that Merced would be included as a stop between Los Angeles and San Francisco. As noted above, this routing would add mileage and additional travel time to Los Angeles-San Francisco non-stop trains.²¹⁸

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As previously described, the Authority found that it would have no stop between Fresno and Bakersfield. Yet the Authority has a study underway to serve a potential Visalia/Tulare/Hanford station. (See Part 4 for a more complete discussion of the inclusion of this stop.)

There could be political pressure to require more Los Angeles–San Francisco trains to stop at locations such as Fresno, Bakersfield and elsewhere. An obvious example would be Santa Clarita, which is the 12th largest urban area along the route, the 4th fastest growing and the 21st largest in California.²¹⁹ With nearly 200,000 residents, Santa Clarita is larger than other urban locations for which stations are planned, such as Merced, Livermore, Gilroy-Morgan Hill and Tracy.

Moreover, planned operating speeds through urban areas could be reduced further because of public displeasure about noise—again slowing the train schedules.²²⁰

The extent, if any, of these potential impacts cannot be foreseen. Even after the system is operating, community impacts could be the basis of costly enhancements or service constraints. In the final analysis, a project of this proportion is necessarily political.

Rural Area Speeds

A National Academy of Sciences report on the potential for HSR in the United States indicates that a system with top speeds of 200 miles per hour would average a maximum of 150 mph in rural areas.²²¹ Based upon the international experience and the National Academy of Sciences report, this Due Diligence Report estimates that the average speed outside built-up areas would not exceed 170 mph.²²²

Urban Area Speeds

At least 150 miles of the route would be in built-up areas and the train could be forced to slow down as it travels through at least five urban areas (Santa Clarita, Palmdale-Lancaster, Bakersfield, Fresno and Merced, in addition to the terminal urban areas of the San Francisco Bay Area and Los Angeles). This is a considerably higher figure than in the similar length Paris to Marseille HSR route, where the alignment passes through less than 30 miles of built-up land. Between the fringes of Paris and Marseille, high-speed rail traverses little or no built-up area.

There are additional challenges to meeting the aggressive travel times required by state statute and proposed by the CHSRA. The use of shared rights-of-way between San Francisco and Gilroy and Los Angeles and Anaheim could make schedule adherence less reliable. (See Part 4.) High-speed trains would encounter interference from the existing commuter trains along such routes, and freight trains may cross the HSR/commuter tracks or even share them. Freight service operates much slower than commuter rail and could slow HSR trains.

The CHSRA plans very high train travel speeds through California communities (Figure 10 and Table 11).

Average speeds of 100 to 150 mph are planned:

- From Gilroy through San Jose, San Mateo County and to San Francisco.
- In the northern San Fernando Valley of Los Angeles.
- On a segment between Norwalk and Anaheim (Los Angeles and Orange County)
- On a segment between Anaheim and Irvine (Orange County)
- From Los Angeles, through the San Gabriel Valley, into the Inland Empire and Riverside.

Higher average speeds of 150 to 200 mph are planned:

- From Riverside through Murrieta and Temecula to Escondido.
- From Escondido to the University City neighborhood of San Diego.

State legislation seems to require top operating speeds through communities in other areas, going so far as to specify that infrastructure be built so that non-stop trains “shall have the capability to transition intermediate stations, or to bypass those stations, at mainline operating speed.”²²³ This could mean that non-stop trains could operate at 220 miles per hour through such urban areas as Fresno, Merced, Modesto and Hanford (if the station is built).

The National Research Council on U.S. HSR potential indicated that HSR would have slower average speeds—maximum average speeds in urban areas would be from 60 mph to 100 mph.²²⁴ The safety implications of using the proposed, light HSR trains on the same tracks as heavy commuter trains and even freight trains are discussed elsewhere (See Part 4, Federal Safety Standards.) With these constraints, likely community concerns about noise, and operating procedures in overseas high-speed rail urban environments, this Due Diligence Report projects average urban speeds will not exceed 90 mph, much less reach 150 mph in urban segments.

Forecasted Speeds Declining

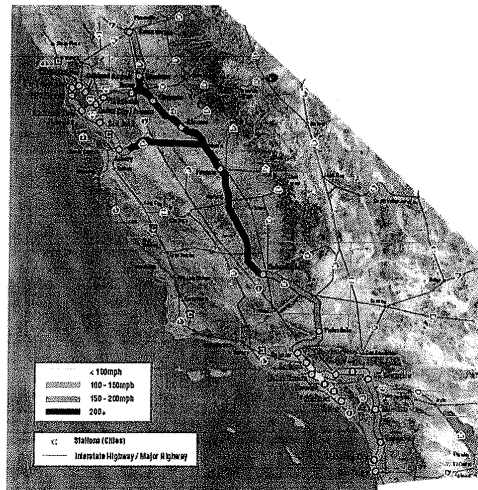
Already, HSR travel times are being lengthened. In the 2005 EIS/EIR, the downtown San Francisco–downtown Los Angeles nonstop travel time was 2:25. In the 2008 NCEIS, the nonstop travel time is 2:38. This is likely to be just the beginning in the inflation of travel times.

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Figure 10: Average Operating Speeds on High-Speed Train System



Average Operating Speed on High-Speed Train System

The CHSRA map is part of the May 2007 Board Meeting Minutes; map located at www.cahighspeedrail.ca.gov/images/chsr/20080121165751_052307_SpeedMap.pdf.

Table 11: Examples of Communities Through Which HSR Speeds Would Exceed 100 Miles per Hour in San Francisco Bay Area, Los Angeles Area & San Diego Area

150-200 MPH			
Arlota	Perris	Santa Clarita	Temecula
Murrieta	San Fernando	Sun Valley	
100-150 MPH			
Atherton	Kearny Mesa	Morgan Hill	San Diego
Belmont	La Puente	Mountain View	San Fernando
Bloomington	Lincoln Heights	Newark	San Francisco
Brisbane	Linda Vista	Ontario	San Gabriel
Burbank	Livermore	Orange County**	San Jose
Burlingame	Los Angeles	Palo Alto	San Leandro
Carmel Mountain	Los Angeles County*	Pleasanton	San Lorenzo
City of Industry	Menlo Park	Pomona	San Mateo
Colton	Millbrae	Redwood City	Santa Clara
El Sereno	Mira Mesa	Rialto	South San Francisco
Escondido	Miramar	Riverside	Sun Valley
Fontana	Milpitas	Riverside	Sunnyvale
Fremont	Mission Valley	San Bruno	University Heights
Gilroy	Montclair	San Carlos	Walnut
Hayward			

* Los Angeles County south of Norwalk (indeterminable from map): Could include Norwalk, La Mirada, Santa Fe Springs

** Orange County north of Anaheim (indeterminable from map): Could include Buena Park, Fullerton, Anaheim. Also Orange County between Anaheim and Irvine. Could include Santa Ana, Tustin

Due Diligence Travel Times

Assuming these Due Diligence average operating speeds (170 mph rural and 90 mph urban), it is estimated that a non-stop train from downtown San Francisco to downtown Los Angeles would take 3 hours and 41 minutes.²⁵ This is 1:13 more than the CHSRA projection and nearly one hour (59 minutes) more than the statutory requirement. The more numerous trains stopping at intermediate stations would have longer travel times. For example, a train between San Francisco and Los Angeles that stops at four stations (such as San Jose, Fresno, Bakersfield and Palmdale) would have a travel time of approximately 4:17.²⁶

It can be expected that the statutorily required travel times will not be met on the long-distance routes such as Oakland-Los Angeles and San Jose-Los Angeles.

It would appear that the statutorily required travel time can be achieved only on the relatively short San Francisco-San Jose corridor (Table 12). As noted above, it is estimated that non-stop express trains between downtown San Francisco and downtown Los Angeles would take 3:41, which is 53 minutes more than the legal requirement. The statutes, however, provide virtually no protection to the riders and taxpayers. This is because the legally required travel times can be easily altered or repealed by a majority vote of the legislature. Finally, slower speeds would result in higher

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operating costs, because additional labor hours would be required. Slower speeds could also increase capital costs, because additional train sets would be required to fulfill the train timetable.

Table 12: Potential for Achieving Statutorily Required Travel Times

Route	Statutory Requirement ²²⁷	Potential to be Achieved
San Francisco-Los Angeles Union Station	02:42	NONE
Oakland-Los Angeles Union Station	02:42	NONE
San Francisco-San Jose	00:31	SOME
San Jose-Los Angeles	02:14	NONE
San Diego-Los Angeles	01:00	NONE
Inland Empire-Los Angeles	00:29	NONE
Sacramento-Los Angeles	02:22	NONE
Sacramento-San Jose	01:12	NONE

Finally, in the worst case, it is possible that funding will only be possible for a skeletal system, which would involve a dedicated HSR system from Palmdale to Gilroy, with entry to Los Angeles and San Francisco over existing tracks (although upgraded) that handle commuter rail and freight trains. Minimum non-stop travel times would be hours longer. (See Part 8, If the CHSRA Runs Out of Money.)

The scenarios described above could make HSR less competitive with airlines by slowing the train schedules. Certainly, given the time-sensitivity of travel prediction models, it is likely that such slower travel times would materially reduce ridership projections. All of this leads to the conclusion that the projected high-speed rail travel times are overly aggressive and not likely to be achieved. Slower operating speeds are likely to contribute to lower passenger volumes and less revenue.

Conclusion

Based upon an examination of operating conditions and the international HSR experience, it appears that the CHSRA average speed and travel time objectives cannot be met. As a result, HSR will be less attractive as an alternative to airline travel and is likely to have fewer passengers.

The planned HSR routes are generally longer than highway mileage between the urban areas, which impacts the trains' competitive advantage despite their speeds. The CHSRA's anticipated average speeds are not being achieved anywhere in the world, including on the most advanced systems. HSR trains must operate more slowly through urban areas, and the CHSRA system's urban profile is quite challenging. For example, in comparing San Francisco-Los Angeles with Paris-Marseille, the California line would run through five times as much urban mileage as does the French TGV line that was designed to skirt many urban areas. This study, by assuming realistic speeds, estimates that a non-stop San Francisco-Los Angeles trip would take 3 hours and 41 minutes, longer than the CHSRA projection and the statutory requirement. In the future, the

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CHSRA's travel times may be further lengthened by train weight and safety issues and also by political demands to add stops to the system.

D. Federal Safety Standards

No existing HSR trains capable of meeting the goals of the CHSRA system can legally be used in the United States. It is by no means certain that the necessary regulatory approvals of a train from overseas can be achieved without substantial changes in train design and weight. The Authority does not have a usable train design.

The Good News About HSR Safety

A review of railroad safety issues results in a positive conclusion about high-speed rail. The HSR trains that operate on dedicated tracks on which no slower passenger trains and no freight trains are permitted to operate have a virtually perfect safety record. In fact, the CHSRA is accurate in stating that high-speed trains are the safest mode of travel, with no passenger fatalities ever registered on new infrastructure designed for high speeds.²²⁸ However, the CHSRA plans to intermingle high-speed passenger trains with commuter trains, Amtrak trains and freight trains along certain portions of its system. Such intermixing can pose safety problems and require specifications for the California high-speed trains to meet U.S. safety standards that are far more rigorous than overseas standards.

HSR Accidents and Safety Concerns

While safety records on new infrastructure specifically designed for HSR trains is remarkably positive, some serious HSR accidents have occurred that have captured the attention of government officials who set rail safety standards.

The world's most tragic high-speed rail disaster occurred on the Deutsche Bahn AG (German National Railway) on June 3, 1998 when the Inter City Express (ICE Train) derailed because of a wheel malfunction, which resulted in 101 fatalities and many injuries. Contributing to the severity of the accident was that the train derailed into supports for a highway overpass, which in turn collapsed onto the train and completely demolished several railroad coaches. The event occurred on mixed-use tracks which limited the train speed at that point to 124 mph (200 kph).²²⁹ However, the non-dedicated nature of the tracks was irrelevant to the accident. Such a wheel malfunction could have occurred on dedicated high-speed lines that constitute a portion of the train's Munich-Hamburg route. The ICE Train is capable of a cruising speed 186 mph (300 kph), and had the

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wheel malfunction occurred at such a speed on a dedicated line the consequences could have been just as severe if not worse.

In July 2008, the German railway pulled from service all ICE-3 trains, the newest model of the ICE Train, for precautionary safety checks. Inspectors carried out ultrasound tests after a defective axle caused one of the trains to derail in a station after possibly being damaged earlier on its high-speed run to Cologne.²³⁰

In short, component failures on high-speed trains can lead to accidents on dedicated high-speed lines or joint-use lines.

A Eurostar (Paris–London) train derailed in France on June 5, 2000 because of a mechanical failure and 14 injuries resulted. While minor, the train was about one-half hour from the Channel Tunnel. Because of how much more catastrophic the accident could have been had it occurred in the tunnel, a transport spokesman in the European Parliament called for a European body to be set up to investigate rail accidents instead of each country conducting investigations in its own territory.²³¹

High-speed trains can and do intermingle with slower-moving commuter trains, intercity passenger trains, and freight trains—operations that raise safety concerns.²³² In the case of the CHSRA proposal, the extent of such inter-mingling will be considerably more significant than in Japan or France. (This issue is discussed in more detail below; also, the effect on travel times is addressed in Part 4.)²³³

Track Sharing Approved

The CHSRA indicates that the HSR trains will share tracks with other types of trains over certain urban links. Joint track usage is usually arranged where land-use factors prohibit the construction of all-new HSR-dedicated tracks alongside the existing tracks. The CHSRA stated:

While the majority of the high-speed train system is being planned with dedicated separate tracks, there are two sections of the system that are proposed to be shared with existing commuter and intercity trains at reduced speeds. Under current regulations, either the selected European or Asian equipment would have to be modified structurally to meet the FRA requirements or the proposed system would have to be modified in other ways to avoid compatibility conflicts with freight trains and conventional passenger trains.²³³

Locations where the CHSRA planners anticipate such track sharing include the Caltrain commuter line that links San Francisco with San Jose and Gilroy and over the Metrolink commuter system between Los Angeles and Anaheim (and possibly continuing to Irvine should the Implied Phase be built).²³⁴

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Additionally, long-run budgetary difficulties could require track sharing with Metrolink trains on routes out of Los Angeles to Riverside County or San Diego. (See Part 8, If the CHSRA Runs Out of Money.) The Authority reinforces track-sharing arrangements according to the following EIR/EIS statements:

- In some locations the HSR system would share tracks at lower speeds with other passenger rail services. Shared track operations would use existing rail infrastructure in areas where construction of new separate HSR facilities would not be feasible. While shared service would reduce the speed, flexibility and capacity of HSR service because of the need to coordinate schedules and slower speed limits, it would also result in fewer environmental impacts and a lower construction cost.²³⁵
- In Northern California, “The Caltrain Corridor (Shared Use) is the preferred alignment option for direct service to San Francisco and San Francisco International Airport (SFO). The alignment between San Francisco and San Jose is assumed to have four tracks, with the two middle tracks being shared by Caltrain and HSR.”²³⁶
- In Southern California the existing Los Angeles–San Diego rail line is the “preferred option to link for HSR service between Los Angeles and Orange County.” This assumes shared operations with other passenger services and separation from freight with four total tracks (two for passenger services and two for freight) between Los Angeles and Fullerton. From there to Anaheim and Irvine, the high-speed trains would share two tracks and some passing tracks with Metrolink commuter trains, Amtrak trains and Burlington Northern Santa Fe (BNSF) freight trains.²³⁷ The CHSRA provided a visual portrayal of such track sharing (Figure 11).
- In the San Fernando Valley, “The segment between Los Angeles and Palmdale could yield significant early commuter benefits if a cooperative operating plan can be developed with Metrolink. Under this scenario Metrolink could utilize the new tracks, alignment and grade separations constructed for HST to operate its trains more frequently, efficiently, and safely.”²³⁸
- Among the criteria that all shared-use corridors would be required to meet is “physical or temporal separation from conventional freight traffic.”²³⁹

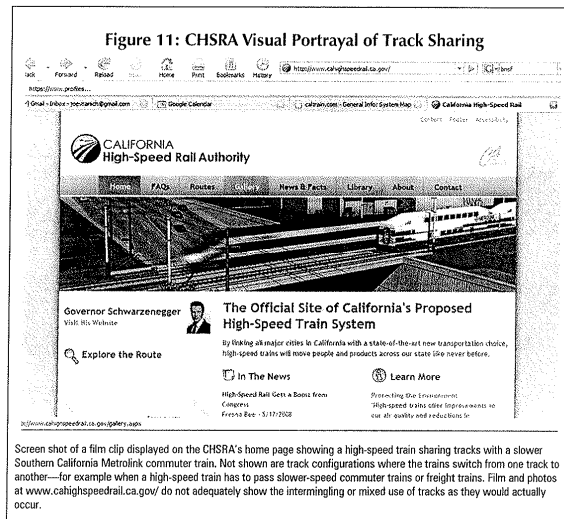
Views supporting joint operations have been echoed by the CHSRA’s industry and political supporters, as follows:

- The Association for California High-Speed Trains is a trade organization whose membership appears to consist of consulting firms that stand to gain from the project. It is the professional judgment of the organization’s members that track-sharing arrangements are appropriate, at least temporarily, stating, “HSR trains can share tracks with existing services, and branch off on high-speed segments as they are completed.”²⁴⁰

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- A further track-sharing scenario is suggested by Assemblywoman Cathleen Galgiani, who supports using a portion of the HSR bond money to upgrade the Altamont Commuter Express (ACE) train route taken by some San Joaquin Valley workers to the East Bay and San Jose. "Essentially, we're preparing the ACE system so that it could share tracks with high-speed trains," she said.²⁴¹ The ACE trains utilize tracks owned by the UPRR, a railroad that has given no indication that it would permit such shared use of its tracks and indeed has expressed an unwillingness to sell its land for the HSR system.²⁴²



Track Sharing Safety Challenges

Despite the positive comments cited above regarding mixed-used operations, the CHSRA itself has discouraged that very scenario for the proposed rebuilding of a commuter rail bridge across lower San Francisco Bay, stating that conventional trains to be used for the Dumbarton rail service would

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"not be compatible" with HSR trains in service around the world, nor with the similar electric multiple unit (EMU) trains that Caltrain proposes to begin using in the future.²⁴³

Moreover, in a June 2008 report, the California Senate Transportation and Housing Committee raised concerns about modified HSR train designs operating on the line south of Los Angeles, stating:

Under European safety methodology, equipment is designed foremost to avoid accidents. The US standard requires equipment whose primary safety objective is to survive accidents. This incompatibility in standards introduces substantial risk, especially in a segment such as Fullerton to Commerce where American standard freight and passenger trains are continuously operating. A change in standards would require that the freight and commuter railroads operating in the same corridors as the high-speed trains change their train control technology. Ultimately, the change in standards may become a major challenge for the railroad industry operating in the state.²⁴⁴

A change in standards would indeed be a major challenge because of the record amount of capital the freight railroad industry is investing to expand capacity to handle freight movements.

For example, the Commerce-Fullerton right-of-way, owned by the BNSF, links the Ports of Long Beach and Los Angeles to the BNSF's national network. Approximately 75 freight trains and 52 Amtrak and Metrolink passenger trains traverse this segment per day and additional freight and Metrolink trains will be added in the future. When construction is complete on a third track between Fullerton and Commerce, no space will remain for an additional track and overlaying high-speed passenger service will have risks. Other constraints exist in the San Fernando Valley, especially in the Burbank-Los Angeles segment where the existing two tracks are adjacent to the Los Angeles River, major streets and other impediments. Moreover, the line's remaining capacity is increasingly consumed by UPRR freight operations.²⁴⁵

Federal Railroad Administration

Federal authority over railroad safety is extensive, with the Secretary of Transportation authorized to "prescribe regulations and issue orders for every area of railroad safety."²⁴⁶ The lead Department of Transportation (DOT) agency is the Federal Railroad Administration (FRA), which issues rail safety regulations and standards for rail equipment that have the force of law.²⁴⁷

The FRA states that it "has established an ultimate goal of 'Zero Tolerance' for rail-related accidents, injuries and fatalities."²⁴⁸ Hence, the FRA's standards are considered among the toughest in the world. The agency requires U.S. passenger trains to be stronger and heavier than European trains because rail freight equipment on domestic railroads is much larger and heavier than that encountered in most other parts of the world. Under equivalent speeds, a collision of a U.S. boxcar with its larger mass and heavier weight presents a much more serious hazard than does a lighter

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European boxcar. Therefore, the risk to passenger safety is higher in the United States than in Europe.

A recent accident in Massachusetts illustrates why passenger-freight shared track usage poses a danger. On March 25, 2008, a “runaway” freight car loaded with building materials rolled about two miles from where it had been parked on an industrial sidetrack. Once the car reached the main line, a signal alerted the engineer of a Massachusetts Bay Transportation Authority commuter train who was able to stop his train. The freight car collided with the stationary train and left 150 passengers and crew with injuries.²⁴⁹ The alert engineer’s action along with stringent U.S. passenger car-strength standards helped prevent more serious injuries or fatalities. The incident occurred near Canton Junction on a route also used by Amtrak’s high-speed Acela trains.

The Caltrain or Metrolink segments are shared with freight trains and have sidings for parked freight cars. The above scenario would have far more serious consequences if it involved a lighter-weight, European-style high-speed train moving at a fast rate. Moreover, Caltrain and Metrolink commuter trains are heavier and stronger than most European commuter trains and a collision involving a European-style train with a commuter train would, comparatively speaking, have a more serious outcome. In either scenario a far greater number of passenger injuries and possibly fatalities would occur in California as compared with Europe.

Moreover, mixed-track usage is more challenging in the United States than overseas because domestic railroads carry far more freight than do foreign railroads. Domestic rail volume is 10 times higher than on European railroads and 97 times greater than on Japan’s railways.²⁵⁰

The FRA’s work includes establishing crashworthiness requirements for passenger trains operated below 125 mph (200 kph) and for trains used above 125 mph. Some safety requirements are based on longstanding practices that originated in specifications for U.S. Railway Post Office cars in the 1940’s; others are updated to take into account newer train designs. An extensive paper on train crashworthiness standards summarizes the concerns of rail safety experts:

Increased traffic, which can increase the likelihood of the occurrence of train collisions, increased equipment speed, which can increase the severity of train collisions, and the application of [European] equipment developed for operating environments, which include smaller and lighter freight equipment than the equipment used in the U.S., have raised concerns about the crashworthiness of rail equipment. Fatalities and injuries occur as a result of train collisions and derailments. The crashworthiness features of the train are intended to provide protection to the passengers and crew in the event of a collision or derailment... Crashworthiness standards can be described as either design standards or performance standards.²⁵¹

Converting Overseas Trains to U.S. Safety Standards

In developing high-speed trains to conform to U.S. safety regulations, the CHSRA states that “The California high-speed train has been developed with criteria and standards that allow use of any of the existing European and Asian technologies.” The Authority adds that it intends on having suppliers “adapt off-the-shelf equipment” to minimize the risks of unproven technology and lower design costs. The Authority recognizes that:

The FRA currently requires all existing U.S. passenger trains to be at least twice as strong in certain aspects than the lightweight equipment used in European and Asian high-speed trains. In order to meet this strength requirement, manufacturers would have to structurally redesign their trains, at significant additional development cost and time Such a redesign would make high-speed rolling stock heavier, jeopardizing the low axle loadings that have efficiently enabled the high speeds, low operating and maintenance costs, and positive cash flows like those enjoyed by high-speed train operations in Europe and Asia. In addition to being more costly to purchase and operate, heavier equipment may cause changes in other system components such as track or bridges and result in higher maintenance costs (emphasis added).²⁵²

The engineering details behind design standards are complex and therefore are beyond the scope of this report.²⁵³ A particular concern, however, is the “buff” strength of a train, which is the anti-crush standard as determined by the strength of a passenger car body.²⁵⁴ No current European or Asian train that meets the CHSRA’s speed and performance requirements also meets U.S. car buff regulations, nor do such trains meet other crashworthiness standards that are required for equipment used in this country.

The CHSRA Has No HSR Train Design

Client-imposed specifications are typically imposed when corporations or state agencies order locomotives, passenger cars or complete trainsets. To illustrate just how far away the CHSRA is from having specifications or even an overall design, the Authority has issued conflicting statements about the expected capacity of the HSR trains, as follows:

- 450-500 passengers²⁵⁵
- 650 passengers²⁵⁶
- 1,175 passengers²⁵⁷
- 1,200 passengers²⁵⁸
- 1,600 passengers²⁵⁹

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Compared with other trains in the world, the CHSRA train would be very large—it could be the longest high-speed train in the world. For example:

- 1,323 seats is the capacity of one jumbo-capacity HSR train, the Japanese Series 700, which is a 16-car, single-level train.²⁶⁰ The train offers seating with three passengers on one side of the aisle and two on the other side (3-2 seating)—and still does not reach 1,600 in capacity. Moreover, a 3-2 seating arrangement is likely to be unacceptable to American intercity travelers and it is likely that California will offer standard 2-2 seating. If so, the train with the 1,200 passengers would be longer than the Japanese train.
- 770 passengers can ride a Eurostar, which offers American-style seating in a train 18 cars long (however, the cars are much shorter than American, Japanese and other European railroad cars).²⁶¹
- 600 seats outfit the high-speed train recently launched in China between Beijing and Tianjin.²⁶² The trains are known variously as the CRH 3, Hexie and Harmony.
- 516 to 1,032 seats is the capacity of a TGV Duplex double-deck train depending upon whether it is operating as an 8-car single unit or two such trains hooked together operating as a 16-car unit.
- 245 to 446 seats in the French AGV (*Automotrice Grande Vitesse*) depending on whether it is operating as a 7-car train or an 11-car train. Note: 892 seats are possible by combining two 11-car trains, however the builder states that few operators would actually operate a 22-car train.²⁶³

Length of Trains

The Authority is also inconsistent on the length of trains. In the reference to 1,200 passengers, the length was specified as “a 16-car trainset (engines and cars).” An earlier CHSRA study of travel times between Los Angeles and San Diego assumed a train length “based on an eight-car train set (two power cars and six passenger cars).”²⁶⁴ The Authority’s literature and video clips portray HSR trains as being single-level, a perspective that is unmistakable when the trains are pictured next to double-decked commuter trains. The plan for single-level trains is confirmed by the CHSRA’s statement that the system could carry “many more passengers than indicated in the high ridership forecast” by using double-decker cars.²⁶⁵

The CHSRA is opposed to physically separating and linking trainsets (“splitting and joining trains”) along the route, pointing out that the percentage of HSR trains using this practice worldwide is “very small.” In France, about 10% of the TGV trainsets are split, whereas in Japan the percentage is even smaller. The practice generally is avoided during peak hours or at peak traffic points because combining two trains into one or vice versa wastes time. Despite such cautionary comments, it cannot be determined from the documentation whether the Authority

favors operating two trains joined together provided they operate in that configuration end-point to end-point.²⁶⁶

While builder specifications for the CHSRA’s train do not exist, it is fair to state that the CHSRA’s design may become the world’s longest HSR train if it remains a single-level design.

The Authority has no high-speed train design that meets U.S. safety regulations and also matches its required performance standards. Indeed, the locomotives and coaches of any European or Asian train must undergo *major* re-designs to reach stringent U.S. structural integrity standards.

Moreover, the performance of “Americanized” TGVs from France, Bullet Trains from Japan or ICE Trains from Germany would be diluted in comparison to the forerunners operating in their home countries. Because of U.S. safety regulations, a California HSR train will bear little structural, weight or acceleration resemblance to its predecessor (although external appearances may be strikingly similar). The train that is selected must be substantially redesigned, proceed through a prototype stage, and pass exhaustive testing and evaluation while under federal government scrutiny.

Initiating the Federal Regulatory Process

The safety regulatory process will be a major undertaking for the following reasons:

- The FRA began its safety rule-making process in relation to operation of modified French TGV trains in Texas. But the cancellation of the Texas HSR project in the mid-1990s meant that the FRA’s work was never completed.²⁶⁷ To FRA it will not be as simple as taking up where the agency left off because the CHSRA wants to run trains faster than were proposed for Texas (220 mph versus 200 mph), and would co-mingle HSR trains with freight trains and conventional passenger trains, which was excluded in the Texas plan. Moreover, the Texas-style TGV would not have met the CHSRA’s high-capacity requirements.
- Technology proposed for a high-speed rail plan in Florida—which the public voted to terminate in a 2004 ballot measure—will help California even less.²⁶⁸ The Florida plan involved using the Swedish X-2000 train on tracks separated from freight trains. The design had started to go through the FRA regulatory review process, but the halting of the Florida project meant that FRA rule-making was never completed.²⁶⁹ Even if it had proceeded, the X-2000 is incapable of meeting the CHSRA’s speed and capacity requirements.
- The only high-speed train that meets U.S. safety standards is Amtrak’s Boston–Washington Acela, the genesis of which was the French TGV. Performance is far below the CHSRA’s requirements in several respects: (1) With 304 seats, it has 46.8 percent of the Authority’s lowest stated capacity of 650 seats and only 19 percent of the CHSRA’s

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highest stated capacity of 1,600 seats.²⁷⁰ (2) Compared with European HSR trains, the Acela is about twice the weight at 624 tons each²⁷¹; and (3) The Acela is unable to match European speeds. One of many reasons for added weight is that the Acela is made of stainless steel to better survive major impact and the TGV is made of aluminum. The Acela arrived with so many design and mechanical problems that more than 200 modifications were required for each train, which involved lengthy periods in shops for each of the 20 trains. Troubles with the train were so extensive that a former Amtrak president said Amtrak will never order another Acela.²⁷² Hence, the only FRA-approved HSR train offers nowhere near the capabilities to meet the CHSRA's capacity, speed and travel time requirements.

Hence, California will be required to initiate the regulatory process that will lead to a FRA "Rule of Particular Applicability," a time-consuming process that the Authority estimates would take "two to three years." The Authority and the selected train supplier would confer on issues to be addressed by the rule with the FRA and would consult with other affected rail operators. If the rule can be concluded more rapidly, train system testing, construction and delivery could be accelerated.²⁷³

No guarantee exists that the final result would be a federal acceptance of a re-designed HSR train without further changes and adjustments. Any FRA action that dilutes performance (such as requiring additional weight) could raise the CHSRA's capital and operating costs, reduce speeds, increase travel times, and reduce passenger volumes and revenue-generating capacity. Also, from an environmental standpoint, heavier trains would be louder, consume more energy and have higher levels of greenhouse gas emissions.

In the Acela case, when asked about its stringent policies, FRA officials acknowledged that its crash energy system increased the weight of the train but said such a system resulted in safer trains.²⁷⁴ The FRA rule-making process is public and numerous interest groups, including other operators like Caltrain, Metrolink, UPRR and BNSF, and others interested in safety are likely to offer views and recommendations. As a result, it is by no means a certainty that the FRA rules will be changed sufficiently to satisfy the CHSRA's many requirements; it is more likely that the CHSRA's specifications must change to satisfy the FRA.

Admittedly, under certain circumstances in which a train is unable to fully meet U.S. safety regulations, the FRA can issue waivers to permit operation. The willingness of the agency to be generous with waivers is open to question. The FRA is concerned about the risks inherent in passenger trains that operate at 220 mph and that share tracks with slower commuter and intercity passenger trains (top speed 79 mph) and freight trains (top speed usually around 60 mph but in congested areas can be 40 mph or even 20 mph). Hence, it could be difficult to obtain the necessary waivers from the FRA, an agency that takes pride that "Rail passenger accidents—while always to be avoided—have a very high passenger survival rate."²⁷⁵ Every indication is that the FRA will continue to proceed in a cautious manner.

Due in part to heavier weight and a flawed tilting design that restricts speeds on curves, the Acela trains between Boston and New York fail to meet the federal statutory requirement to connect the cities in less than three hours.²⁷⁶ The fastest current schedule is 3 hours and 30 minutes and the slowest is 3 hours and 42 minutes.²⁷⁷ Similar circumstances could cause a redesigned train to fail to meet California's statutorily required travel times between stations.

In short, no train yet exists that can meet the CHSRA's extraordinary performance standards and capacity while adhering to U.S. safety standards. The CHSRA told the California Senate Transportation and Housing Committee that it has "worked with the Federal Railroad Administration to allow light weight foreign high-speed rail equipment to operate in California."²⁷⁸ What this means is unclear. However, any such "work" prior to a serious and formal process that is open to public review and comment is likely to have little or no impact.

A series of steps never before achieved anywhere in the world must be taken for the CHSRA-style train to move beyond the conceptual stage—namely, a train must be designed and built with the capacity to:

- Operate at a peak speed of 220 mph.
- Meet U.S. crashworthiness standards and safety standards for mixed-track usage.
- Carry up to 1,200 or even 1,600 passengers, certainly making it the heaviest and possibly longest high-speed train in the world.
- Incorporate a more powerful propulsion system to enable moving a longer, heavier train through the challenging physical environments found in the state's mountain passes.
- Meet the schedules mandated in California law.

Designing such a train will involve unprecedented engineering challenges, so much so that the train design could make the system less competitive commercially.

Top Speed in the U.S. Railroad Environment

It is possible that 220-mph train speeds can eventually be achieved in California. The top commercial speed on one line in the world now achieves 217-mph (350 kph), which is on China's Beijing–Tianjin service. (See Part 3 for a summary of the world's fastest currently operated and planned trains.)

In a number of cases, planned higher speeds have not been implemented. Some countries have infrastructure designed to permit trains to operate at 220 mph (350 kph)—namely France, Spain, Korea and Taiwan—but no trains in commercial service currently reach that speed. For example, the Korean High Speed Rail system "is designed to run 350 kph and operated at 300 kph maximum

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for safety.²⁷⁹ At 300 kph (186 mph) the Korea HSR system would not meet the minimum 200 mph requirement of Senate Bill 1856. Nor would the new Madrid-Barcelona line, which is also being limited to 186 mph. The new TGV-Est is designed to allow 220 mph speeds, yet trains operate at a top speed of 200 mph (320 kph).²⁸⁰

The two trains capable of reaching the CHSRA's desired top speed of 220 mph (354 kph) are China's CRH 3 and France's AGV. However, the trains have no locomotive at each end—they are powered by traction motors under the cars.²⁸¹ Meanwhile, the sturdiness of locomotives is highly desirable to help comply with FRA's Crash Energy Management requirements suitable for shared-use tracks. The lack of locomotives to absorb energy during an accident presents safety concerns in the U.S. railroad environment.

Earthquake Considerations

Because of California's seismic conditions, the safety of HSR during an earthquake is a consideration. The CHSRA states that a "failsafe" technology would be in place to stop the trains when an earthquake is detected.²⁸² The Japanese have long used a system whereby sensors cut electricity to the trains when first tremor is detected, which is designed to ensure that the trains come to a halt.

The system's limitation came to light on October 24, 2004, during a 6.8 magnitude earthquake when a Bullet Train derailed in Nagoaka while traveling at 130 mph (210 kph). The train stopped after the driver applied emergency brakes. Experts said the sensors work best when the epicenter of an earthquake is some distance away. When the quake is right beneath the train, as it was in this case, the sensors cannot slow the train in time to stop potential damage. Remarkably, in this unprecedented accident, there were no injuries aboard the train.²⁸³ In light of the limitations of the automatic system, the Transport Ministry established a panel to study whether other measures were needed to safeguard Bullet Trains during earthquakes.²⁸⁴

Conclusion

No existing HSR trains capable of meeting the goals of the CHSRA system can legally be used in the United States. It is by no means certain that the necessary regulatory approvals of a train from overseas can be achieved without substantial changes in train design and weight. The Authority does not have a usable train design.

High-speed rail has an excellent safety record although risks are somewhat greater than stated in the CHSRA documentation, especially with plans for the HSR trains to share certain tracks with commuter trains and freight trains. Track sharing complicates designing a train to meet FRA safety standards that are considered the toughest in the world. Currently, no European or Asian HSR train meets U.S. crashworthiness standards.

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The CHSRA has yet to decide on basic design specifications for a train. For example, documentation shows a capacity range of 650 to 1,600 seats per train. It is likely that a series of designs, tests, prototypes and safety reviews never before achieved anywhere in the world must succeed for the CHSRA's train to become a reality.

A train redesigned for the U.S. will become much heavier and thus unlikely to reach promised speeds, especially when coping with the state's challenging physical environments. A lower-performing train would negate the CHSRA's assumptions on which it has based travel times, ridership projections, revenue forecasts and profits. The outcome could mean investors in the project will see no financial returns and HSR could require subsidies from California taxpayers in perpetuity.

E. Security in Age of Terrorism

Terrorism against rail targets is a concern considering the extent of attacks that continue to occur on rail systems around the world. The Authority appears to have given insufficient attention to this issue notwithstanding the RAND recommendation to industry and government for more analysis of and improvements to domestic rail security.

The Authority has repeatedly declared that overall trip time can be reduced if passengers shift from planes to trains because they can proceed more quickly through train stations that do not have the security checkpoints found at airports.²⁸⁵ The CHSRA assumption may be overly optimistic considering the security risks that officials say prevail today.²⁸⁶

The Authority's revenue and ridership forecast of July 2006 established airport wait times at 55 minutes and HSR station wait times at 15 minutes. The CHSRA stated:

The hassle and time variance of getting a boarding pass, checking luggage, and getting through security requires arrival at the airport earlier than at a train station without security checkpoints. It is explicitly assumed that high-speed rail will not have the elaborate security check-in procedures, boarding passes will not be required to wait for a train, seats are not assigned, and that luggage is typically self-carried on the train.²⁸⁷

A subsequent report was more explicit in stating that "There are currently no plans for airport security measures at high-speed rail stations."²⁸⁸ The time differential was one of many assumptions used to determine competitiveness and create ridership projections.

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Risks to High-Speed Trains

The RAND Corporation, in a 2007 study of transportation security, stated, "Recent attacks on passenger-rail systems around the world highlight the vulnerability of this form of transportation. The high use of passenger rail and the frequency with which terrorists target rail systems elsewhere call for a commitment to analyzing and improving rail security in the United States."²⁸⁹ A review of threats and actual attacks against HSR systems is illustrative:

- In June 2008, French anti-terrorism police investigated a series of bomb threats targeting at least one TGV. Calls warned of bombs placed either near tracks or aboard trains traveling between the towns of Chambéry and Aix-les-Bains, an area that draws tourists to mountain resorts.²⁹⁰ Two months later, rail traffic was interrupted when a bomb was found on TGV tracks in the French Basque region.²⁹¹
- In May 2008, the West Japan Railway Co. received telephone calls in a money extortion plot related to timed incendiary devices at main stations in Kyoto, Osaka, and Kobe. Police found one improvised fire bomb at the Kyoto Station.²⁹²
- In 2004, terrorists took aim at high-speed systems by threatening to place bombs under tracks in France and Spain, which cause both railways to be searched in a costly and time-consuming process. In France, ten thousand railway employees walked the tracks to look for bombs while trains were patrolled by the police and armed forces.²⁹³ French authorities put train stations on a red alert, the second-highest of its four levels of emergency preparedness, after the discovery of explosives on tracks near the town of Troyes, 120 miles (193 kilometers) east of Paris, and another device under rails in central France.²⁹⁴ After finding a bomb under the tracks of Spain's Madrid-Seville high-speed line, police "combed all high-speed tracks 'kilometer by kilometer' while 45 helicopters [kept] watch from above and police dogs [sniffed] for explosives below."²⁹⁵
- Also in 2004, an ICE Train avoided derailment after six metal plates were discovered bolted to the tracks, believed placed there as part of a terror campaign. The incident occurred near Dortmund on the high-speed Cologne-Berlin ICE Train line. The engineer of an approaching train spotted the plates, which were covered by garbage bags, and was able to brake sharply, slowing and stopping the train, which stayed on the rails. No one was injured.²⁹⁶

Some criticism has been directed to French officials for leaving the TGV system open to terrorist infiltration for a long time.²⁹⁷ The TGVs have been targeted since the 1980s. On March 17, 1986, an explosion occurred in the luggage compartment of a Paris-Lyon TGV while the train was on top a viaduct crossing a river. The emergency brakes brought the train to a stop at the Brunoy train station. On December 31, 1983, a bomb had been placed in the luggage compartment of a TGV on the Paris-Marseille line. It exploded near Lyon resulting in 5 deaths and 50 injured.²⁹⁸

Recent Rail Attacks Worldwide

Protecting rail passenger facilities is hardly an academic exercise. In a report to Congress The RAND Corporation summarized the history of worldwide attacks on passenger rail systems:

*Between 1998 and 2003, there were approximately 181 attacks on trains and related rail targets such as depots, ticket stations and rail bridges worldwide. Attacks on light rail systems and subway systems are included in these estimates. Attacks have occurred in all corners of the globe, including Venezuela, Colombia, India, Pakistan, Spain and the United Kingdom. These attacks resulted in an estimated 431 deaths and several thousand injuries. Bombs were the most frequently used weapon in these attacks, although firearms and arson have also been used.*²⁹⁹

Since that testimony, other attacks have occurred resulting in an additional 536 fatalities, for a total of 967 between 1998 and 2007.³⁰⁰ The most infamous attack occurred on March 11, 2004, when ten bombs were detonated aboard four crowded commuter trains in Madrid, Spain, causing 191 fatalities and more than 1,800 injuries.³⁰¹

Attacks on trains and rail facilities are incessant. In 2007, a bomb set along railroad tracks exploded and derailed the Moscow-St. Petersburg "Nevsky Express," injuring scores of passengers and shutting down one of Russia's busiest rail lines. The authorities said that counter-terrorist measures would be strengthened.³⁰² In the same year, in Delhi, India, explosives on a train killed at least 66 people and injured 13 others.³⁰³ On July 11, 2006, a total of 187 commuters died and more than 700 were wounded in coordinated blasts in India on Mumbai's train network during rush hour.³⁰⁴ Also in that year, German officials discovered a "mega-murder plot" on trains out of Cologne where two suitcases were discovered that contained firebombs wired to explode at the same time that could have killed hundreds of travelers.³⁰⁵ In London in July 2005, suicide bombers detonated bombs on the Underground subway system, killing 52 people and injuring several hundred.³⁰⁶ In February 2004, an explosion in a Moscow subway train killed 40 riders.³⁰⁷

Europeans and Rail Security

In the aftermath of the Madrid train bombings, France deployed nearly 500 soldiers to transportation hubs to beef up local security, especially on the high-speed rail lines from Paris to Lyon and Marseille. A senior French counter-terrorism official said: "The trains worry me more than the planes."³⁰⁸

Airport-style security screening is in place and is required for all high-speed Eurostar passengers at St. Pancras station in London, Gare du Nord in Paris and Midi/Zuid in Brussels. Travelers submit to a security process before boarding, much like the check-in procedures at any airport. Eurostar screens all passengers and hand luggage and x-rays all checked luggage at all stations.³⁰⁹ Occasionally an alarm is raised, as for example in April 2008 when a bomb scare caused St. Pancras station to be evacuated for nearly two hours and delayed some trains.³¹⁰

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The time required for the Eurostar check-in depends mainly on what class the passenger is ticketed. Eurostar requests that passengers checking in allow a minimum of 10 minutes for Business Premier travelers, 30 minutes for most passenger categories, and between 60 and 90 minutes for certain passengers heading to Avignon or ski areas (see Table 13).

Table 13: Eurostar Security Check-In Times	
Required Time Before Departure in Minutes	Applicable Travelers
At least 10	Holders of Business Premier tickets and Eurostar carte blanche
At least 20	Eurostar Frequent Traveler members
At least 30	Standard, Leisure Select and all other ticket types
At least 45	Passengers with special needs (e.g., wheelchair user), need help getting to the train or need a staff member for assistance
At least 60	All travelers for Avignon or Ski services

Source: http://www.eurostar.com/UK/us/leisure/travel_information/at_the_station/check_in.jsp

Some may consider Eurostar's security procedures to be irrelevant because they were designed in part to defend against an attack occurring within the 31-mile long (50-km) Channel Tunnel between England and France.³¹¹ Note, however, that the CHSRA also plans extensive tunneling—about 95 miles (153 km) of potential alignments are proposed to be placed in tunnels through the Pacheco Pass and Diablo Range; for the Bakersfield–Los Angeles region, about 38 miles (62 km) of the potential route is proposed to be in tunnels in the mountainous area.³¹²

Any event in a rail tunnel isn't to be dismissed lightly. The DOT Inspector General has in stark terms advised Congress about the serious consequences that could result from a fire aboard a train while it is in a tunnel:

*On November 11, 2000 one of the worst Alpine disasters ever claimed the lives of more than 150 people as a funicular train in Kaprun, Austria caught fire less than one-half mile into a 2-mile long tunnel. Many of the victims died from smoke inhalation as they tried to escape the blazing train through billowing smoke being forced up the tunnel by a chimney-like wind effect.*³¹³

Indications are that British rail security screening may extend to conventional intercity and commuter trains. In November 2007, plans were unveiled to increase armed police patrols at high-profile targets such as Eurostar's St. Pancras station in London.³¹⁴ Further, passengers using trains at other British stations may be subjected to airport-style checks on a random basis, including having to take off their shoes to prevent dangerous devices from being smuggled aboard trains.³¹⁵

The Inherent Vulnerability

The United States is fortunate that its rail system has escaped major attacks. Every mode of transportation has unique features that make it inherently vulnerable. Security has improved at airports—"closed and controlled locations with few entry points," as the GAO calls them.³¹⁶ The busiest train stations, in contrast, rely on the unencumbered movement of people through many unguarded doorways and trains. The RAND Corporation explains the concerns:

*Passenger rail facilities present potentially inviting targets for terrorists for a variety of reasons. They are easily penetrated and may have high concentrations of people. The logistics of a passenger rail attack are comparatively simple. For example, given the typical passenger density in a passenger rail station, substantial casualties can be inflicted with a backpack-sized bomb. This is a substantially lower logistical burden than the one faced by the terrorists who committed the September 11 attacks. In addition, terrorists likely perceive psychological benefits to attacking passenger transportation networks. Rail transportation, like air travel, necessitates the passengers' willingness to put personal safety in the hands of others. An attack is likely to leave passengers reluctant, however temporarily, to travel on the passenger rail system.*³¹⁷

Precautionary Steps in the United States

Security measures have been strengthened on domestic rail systems. In June 2008, random searches began of passengers and their baggage on Metrolink commuter trains in Southern California as officers looked for "explosives" or other "dangerous items." Passengers have been informed that they must pass through checkpoints to gain access to the station platform; anyone refusing to be searched will not be allowed to board a train. The program was described as something that is becoming standard procedure at other rail agencies across the nation.³¹⁸

Earlier in 2008, the New York police commissioner urged construction of security barriers around Penn Station. The permanent security perimeter would include bollards (a series of posts preventing vehicles from entering an area) and barriers able to stop truck bombs. The commissioner warned, "there simply is no evidence that the terror threat is in any way diminishing," a view shared by the New York State Homeland Security Director.³¹⁹

There is some history to train station security that is not well known. Station security took on greater importance after officials discovered plots against U.S. rail systems. Following the arrest of the September 11 architect, Khalid Sheikh Mohammed, officials learned that terrorists had begun considering ways to derail a passenger train on a curve on a mountainside because it would be spectacular. The plot sought to achieve "Hollywood-like" effect to fit in with other major attacks.³²⁰

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Amtrak has not been spared threats and sabotage. The most recent event occurred in July 2008 when a man left a suspicious backpack with wires sticking out on an Amtrak train, halting Amtrak and BART service for about four hours at the Richmond, California station. The suspect escaped by jumping out of a top window of double-decker train car and running away. No bomb was found. Meanwhile, the police blocked off the parking lot and nearby streets during the incident.³²¹ In May 2008, an explosive device was discovered on tracks in Connecticut used by commuter and Amtrak trains. Rail service was disrupted as bomb technicians investigated the device and secured the area.³²² Two months earlier, an Amtrak passenger said he had a bomb in his bag. The train stopped in Emporia, Virginia, all passengers were evacuated, and police shut down streets in the middle of town. Passengers were delayed for five hours while the State Police Bomb Squad searched the train and determined that the threat was a hoax.³²³

The most famous instance of Amtrak sabotage was the October 1995 derailment of the Sunset Limited in the Arizona desert. The wreck resulted in one fatality and 78 injuries. The act was attributed to one or more saboteurs because of notes left at the scene.³²⁴ No one has yet been arrested in that case. Another known occurrence of sabotage came in August 1992 when the "Colonial" from New York heading toward Newport News, Virginia, derailed at a switch that had been aligned to send the train careening onto a side track.³²⁵ Two men who had a keen interest in railroads were convicted of the crime.

As of February 2008, Amtrak has deployed a specialized Mobile Security Team to patrol stations and trains and randomly inspect passenger baggage to detect and prevent a terrorist incident. The squads consist of armed Amtrak police, explosives-detecting K-9 units and uniformed counter-terrorism special agents. The new measures are coordinated with the Department of Homeland Security and other domestic and international counter-terrorism agencies.³²⁶ China put more stringent security checks in place at Beijing stations as the Olympic Games approached, including asking passengers to taste any liquids they carry or put a sealed one under a special detector to identify its contents. Baggage was being X-rayed and banned items were being confiscated.³²⁷

Should greater security be required at California's HSR stations, travel times will be less competitive relative to airlines and the likelihood is high that existing ridership and revenue projections will prove to be inflated. The CHSRA should issue a realistic low-end forecast regarding lessened demand should station security and screening procedures be put in place. (See Part 4, Forecasting Ridership for other reasons why ridership could be below the CHSRA's projections.) Because of the potential for more intensive security procedures, it would be prudent for the CHSRA to plan passenger wait times in stations accordingly.

Conclusion

Terrorism against rail targets is a concern considering the extent of attacks that continue to occur on rail systems around the world. The Authority appears to be have given insufficient attention to this issue notwithstanding the RAND recommendation to industry and government for more

analysis of and improvements to domestic rail security. The CHSRA documentation provides virtually no evidence that a proper security assessment of the proposed HSR system has been undertaken, nor does it appear that security applications and methodologies elsewhere have been reviewed. The Authority assumes minimal security at HSR train stations and concludes passengers will be spared airport-like security screening and delays. However, should more stringent security measures become necessary, the CHSRA's demand forecast would be even further undermined. The CHSRA has not issued such a low-end ridership forecast based on such a circumstance.

F. Passenger Convenience

HSR would provide virtually no advantage as an alternative for long-distance (airline) markets, because door-to-door travel times would be greater and there would be less frequent non-stop service. Similarly, HSR would be unattractive to car drivers in middle-distance (automobile-oriented) markets because little or no door-to-door time savings would be achieved and costly local connections would often be required (rental cars or taxicabs).

Potential passengers are promised that HSR will whisk them between the Los Angeles and San Francisco Bay areas with travel times of little more than two and one-half hours.

All trips by passengers are from one point to another point. High-capacity (non-personal) modes of transport such as trains and airplanes do not provide point-to-point mobility. All trips start with walking, transit or driving from the origin to the train station or airport and then end with driving, transit or walking to the final destination from the train station or airport. As a result, door-to-door travel times are longer than the time spent in a plane or train.

Generally, the international standard for maximum walking trip distance to and from local transit stops is approximately one-quarter mile (400 meters).³²⁸ A very small percentage of the population lives within walking distance of an intercity rail station or an airport terminal. As a result, the overwhelming majority of access trips at the beginning and end of the high-capacity mode trip will be by auto, taxi or transit.

As indicated earlier, it seems likely that HSR travel times will not achieve the advertised 2 hours and 38 minutes between downtown San Francisco and downtown Los Angeles. (See Part 4, Forecasting Speed.) An increase in travel times is already evident in HSR travel times between these two stations, which increased 13 minutes between 2005 and 2008,³²⁹ even before ground has been broken.³³⁰

The reality, however, is that actual door-to-door travel times for the typical HSR passenger will be considerably more than that, as is shown below. Moreover, even in the unlikely event that the

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CHSRA travel times are attained, the many Los Angeles to San Francisco Bay area travelers will find HSR to take longer than a trip by air.

HSR: Its Attractiveness to Airline Passengers

In longer HSR markets, the principal source of passengers is from airlines despite the fact that CHSRA projects most of its passengers to be captured from automobiles. The speed of operation makes high-speed rail competitive with airlines for door-to-door trips of approximately three hours or less. Of course, HSR operates much slower than airplanes—a maximum of 220 mph, compared to a jet airliner, which cruises at speeds above 500 mph.

Door-to-Door Travel Times: Air

High-speed rail requires less “overhead” time, such as shorter check in and boarding times; and HSR tends to operate on a more reliable schedule, not being subject to weather and congestion delays that can affect airline schedules. The CHSRA projects that that door-to-door trips from downtown Los Angeles to downtown San Francisco will be 14 minutes faster than by air in 2030 (3 hours and 24 minutes versus 3 hours and 38 minutes).³³¹ This advantage, however, is questionable, because even as train travel times were increasing from 2005 to 2008, CHSRA claims that door-to-door travel times would be reduced for HSR.³³² Without this unexplained improvement in door-to-door travel times, airline travel between the two downtown areas would be slightly faster than by HSR.

Moreover, the present 14-minute time advantage is overly favorable to HSR and not reflective of typical travel between the San Francisco and Los Angeles areas. Downtown-to-downtown HSR door-to-door travel times are faster than trips between other origins and destinations, simply because the two non-stop HSR stations are located *downtown*. Airports, which are located some distance away from downtowns, are at an inherent disadvantage in the CHSRA presentation of downtown-to-downtown travel. For some travelers, downtown stations will be closer to trip origins and destinations and for others, airports will be closer.

While this downtown bias is conceded by CHSRA,³³³ the prominent use of data that inordinately favors HSR has the potential to mislead with respect to the typical travel time impacts on HSR non-stop services. On the other hand, trips beginning and ending near airports would advantage airlines in comparison with HSR. In fact, however, most trips do not begin and end near downtowns, nor do they begin and end near airports. This is because downtowns (or airports) contain only a small share of metropolitan employment.³³⁴ Moreover, the great majority of residents do not live in downtown areas. Thus, the *typical* trip between San Francisco and Los Angeles will involve origins and destinations that are relatively distant from both downtown HSR stations and the airports. Moreover, because both areas are served by multiple airports, it is likely

that many origins and destinations will be closer to airports than to the downtown HSR stations where the non-stop services can be accessed.

More accurate travel time comparisons would result from a series of examples to and from various non-downtown origins and destinations in both urban areas, or, for that matter, to have provided travel times for typical trips using regional transportation demand models. Without such a detailed analysis, it is impossible to predict the “typical” (or average) door-to-door travel times of either airline or HSR trips.

Finally, as noted in “Forecasting Speed,” this Due Diligence Report estimates that HSR will operate more slowly over the entire route than projected, which will increase travel times and reduce the ridership potential.

Alternative door-to-door travel times are presented in Figure 12 and Table 14, along with CHSRA downtown-to-downtown travel times. These figures show travel times between typical locations in each urban area that would require 30 minutes travel time from both downtown and the airport.³³⁵ Both CHSRA train travel time and Due Diligence train travel time assumptions are used.³³⁶

- For downtown-to-downtown trips, the CHSRA train travel-time assumptions give HSR a 14-minute door-to-door advantage. However, the Due Diligence train travel-time assumptions indicate that air travel would be 49 minutes faster, door-to-door than the fastest express trains (semi-express travel times would be at least 1:08 longer).³³⁷
- For a hypothetical trip that is equidistant from airports and HSR stations at both trip ends, the CHSRA train travel-time assumptions would give air travel a 26-minute door-to-door advantage. The Due Diligence train travel-time assumptions indicate that air travel would be 1 hour and 29 minutes faster, door to door.

Thus, it is possible that HSR would provide no travel time advantage relative to air travel for the majority of passengers between the San Francisco and Los Angeles areas even if HSR’s travel time requirements were met. No definitive finding can be offered, however, because CHSRA limited its analysis to the unrepresentative downtown-to-downtown market.

Finally, actual HSR travel times could be longer if adapting European-style trains to the U.S. environment, which makes them heavier and less able to operate at intended speeds (See Part 4, Federal Safety Standards), or if Eurostar-type security procedures similar to airport screenings are applied at some point in the future. (See Part 4.)

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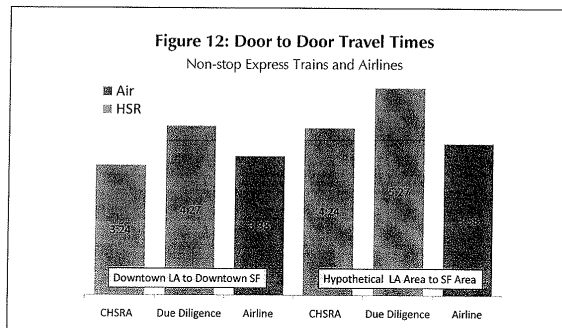


Table 14: Door-to-Door Travel Times

	San Francisco–Los Angeles Downtown to Downtown			San Francisco–Los Angeles Hypothetical Equidistant from HSR Station and Airport		
	CHSRA Assumption: HSR	Due Diligence Assumption: HSR	CHSRA Assumption: Air	CHSRA Assumption: HSR	Due Diligence Assumption: HSR	Due Diligence Assumption: Air
Travel Time	02:38	03:41	01:20	02:38	03:41	01:20
To & From Train/Plane	00:46	00:46	02:18	01:46	01:46	02:38
Door to Door Time	03:24	04:27	03:38	04:24	05:27	03:58
HSR Compared to Airline	-00:14	00:49		00:26	01:29	

Types of Trains: Express, Semi-Express and Local

Non-Stop Service. Non-stop express service between northern California (San Francisco, San Jose and Sacramento) and southern California (Los Angeles and San Diego) has been a major thrust of CHSRA publicity. Longer distance non-stop express service such as this is the exception rather than the rule in international high-speed rail markets. For example:

- Bullet Train schedules in Japan currently indicate no non-stop service between the central Tokyo and central Osaka stations. There are a minimum of four station stops between Tokyo and Osaka.³³⁸
- There are only five non-stop expresses between Paris and Marseille daily.

- There are no non-stop Acelas between Washington and New York. Non-stop Acela service was briefly provided and withdrawn.

The extent of non-stop express services is not clear from CHSRA documentation. The NCEIS indicates that 16 daily non-stop trains will operate in each direction from San Francisco, San Jose and Sacramento to Los Angeles and San Diego (*non-stop interpretation #1*).³³⁹ Elsewhere, the NCEIS indicates that the 16 express trains between these terminals would have one intermediate stop (*non-stop interpretation #2*).³⁴⁰ Moreover, these two references in the same report show apparently irreconcilable differences between numbers of trains and types of services.³⁴¹ Moreover, while state legislation mandates non-stop travel times in a number of markets, it does not mandate non-stop service. The legislatively mandated travel times would not be met by trains that make a stop. Thus, under non-stop interpretation #2, none of the long-distance non-stop travel times would be achieved because of an intermediate station stop. HSR's paucity of non-stop service under either non-stop interpretation faces two daunting challenges in competing with airlines.

Modest HSR Non-Stop Service Frequencies. The first difficulty is that the service frequency will be miniscule compared to airline frequencies. This is illustrated by an example service design based upon the 16 non-stop trains in each direction (*interpretation #1, no intermediate stops*), which allocates the 16 trains based upon the size of the demand (Table 15). As CHSRA acknowledges, providing service between multiple markets can "greatly" reduce service frequencies along particular routes.³⁴² In the example, there would be four or at most six daily non-stop San Francisco–Los Angeles trains in each direction. This compares to 108 non-stop flights from the San Francisco area (SFO and OAK) to the Los Angeles area (LAX, BUR, ONT, LGB and SNA). Indeed, there are more non-stop flights from each of the seven airports to the other urban area than the four non-stop HSR trains projected here.³⁴³

Granted, more of the 16 non-stop trains could be operated between San Francisco and Los Angeles. However, if a minimal two-train non-stop schedule is assumed for the other markets (San Jose and Sacramento to Los Angeles and San Diego and San Francisco to San Diego), the highest number of San Francisco to Los Angeles non-stop trains possible would be six. This would still be modest relative to the airline frequencies.

HSR's competitive disadvantage would be heightened by the multiple points from which airline non-stop service is available in Los Angeles and San Francisco. Non-stop airline service is available between five airports in the Los Angeles area and three in the San Francisco–San Jose area. By comparison, nearly all flights from Tokyo to Osaka operate out of a single airport (Haneda), despite the fact that the Tokyo urban area (developed area) covers more than 1.5 times the urban land area of Los Angeles.³⁴⁴ Even Long Beach Airport, with by far the fewest San Francisco area flights, has five non-stop flights—a number that is, all by itself, competitive with the likely number of non-stop trains between San Francisco and Los Angeles. Thus, not only would air service remain far more frequent, it would be more geographically accessible to the large majority of residents in San Francisco–San Jose and Los Angeles.

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Business travelers who would pay the highest HSR fares want the flexibility of having many departure times available to allow ease of travel throughout the day. Daily non-stop train frequencies of from four (to as many as six) trains between San Francisco and Los Angeles are unlikely to be attractive to those unable to adjust their schedules to work within such a constrained service pattern. The far higher level of airline service would continue to be more attractive. Some passengers would be better served by HSR because of other stations in the two large urban areas that permit connections or through travel between downtown San Francisco and downtown Los Angeles.

Table 15: Estimate of Daily One Way Non-Stop Service Compared to Airline Service

Flights & Trains	Non-Stop Trains (Market Share Allocation)	Non-Stop Trains (Max. Los Angeles-San Francisco)	Airline Flights
San Francisco-Los Angeles	4	6	108
San Francisco-San Diego	2	2	39
San Jose-Los Angeles	2	2	62
San Jose-San Diego	3	2	15
Sacramento-Los Angeles	3	2	48
Sacramento-San Diego	2	2	13
Total Non-Stop Trains/Flights	16	16	285

Assumes Interpretation #1 (no intermediate stops between major terminals)

Intermediate Stops. In the San Francisco-Los Angeles market and the other non-stop markets, the non-stop HSR service between the downtown areas would be the most competitive with airline service, since intermediate stops would add additional travel time.

Should interpretation #2 of the CHSRA express service plan be correct, then, for example, there would be one intermediate stop between downtown San Francisco and downtown Los Angeles. This could be expected to add approximately nine minutes to the travel time. This would mean a 2:47 travel time under the CHSRA schedule and 3:50 under the Due Diligence Report estimates.

The slower trains would be less attractive to airline passengers. Semi-express services would have at least two intermediate stops, which would add approximately 18 minutes to travel times. The CHSRA's local trains are expected to serve "all intermediate stops, with potential for skipping stops to improve service depending on demand."³⁴⁵ Such trains between San Francisco and Los Angeles could take as much as an additional 1 hour and 12 minutes, if all stations are served.

Thus, HSR would be considerably less attractive to passengers than is implied in the CHSRA documentation. There would be, at best, only token levels of non-stop service between northern and southern California. Air schedules would be far more frequent and in the San Francisco and Los Angeles areas, non-stop service would be more accessible to a larger number of residents. Finally, the experience with other HSR systems raises the likelihood that the much advertised non-stop service may not materialize.

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Passenger Fares. Above it is suggested that the proposed HSR fares are far below what is likely to be necessary (See Part 4, Forecasting Ridership). As proposed, the HSR fares would be considerably lower than air fares (as is the case in Tokyo-Osaka, Paris-Marseille and New York-Washington). However, the California air market has been typified by more competitive air fares and should HSR fares be materially higher than proposed (a highly likely possibility, above), there could be little or no cost advantage to HSR.

Moreover, airlines remain strong in each of these HSR markets:

- The air shuttle between Tokyo and Osaka is provided with large, wide-bodied aircraft (principally Boeing 777s), which is unusual for a shuttle service. By contrast, the air shuttle flights between the Los Angeles and San Francisco Bay areas are generally smaller planes, such as 737's and MD-80's.
- Air France continues to offer high-frequency shuttle service between Paris and Marseille, despite the HSR service in the same corridor. (See Part 5, Alternatives to Building the HSR System.)
- Frequent air shuttle service is offered in the New York to Boston and the New York to Washington markets, where Acela service operates. Moreover, a FRA report indicates that significant improvements in travel times would reduce airline use in the corridor by only 20 percent.³⁴⁶

The other HSR systems also have an advantage with respect to local connections. Like air travel, HSR travel most often requires connecting transport at one end (the non-home end) of the trip. Thus, passengers often rent cars to complete their trips, since most destinations in an urban area are not within walking distance of an HSR station or an airport. In some cases, transit service can provide this trip completion function, however this is a far less feasible alternative in California than in Japan, Europe or even the Northeast Corridor. The overwhelming majority of local connections in California are likely to be by personal auto, taxi or rental car.

HSR: Attracting Auto Drivers

HSR is less successful in competing against autos in the longer distance markets where HSR competes well against airlines. HSR has three principal disadvantages in attracting ridership from autos.

Flexibility. Automobile travel offers greater flexibility in time of departure, route selection, and ability to stop at multiple locations more easily than when traveling on a scheduled train or airplane.

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Costs. The first HSR disadvantage is cost—generally the operating costs of an auto will be less than the HSR (or air) fare.³⁴⁷ This is an even more important factor when more than one person is traveling in an auto, since HSR would require payment of a fare for each person, while the auto operating cost would be the same with two or more people as with a single occupant. Moreover, unlike travel by auto, it is generally necessary to hire taxis or rental cars at the non-home destination, which adds significantly to costs. There is also the possibility of parking fees at the HSR station. All of these costs are likely to deter drivers from using HSR.

However, because of high tolls and high gasoline taxation levels, traveling by auto is far more expensive than traveling by HSR in the comparable international markets. Driving between Tokyo and Osaka is 50 percent more costly than HSR travel in economy class (gasoline and tolls). Yet, a new parallel expressway is under construction from Tokyo, to Nagoya and Osaka area (New Tomei Expressway). Similarly, driving is at least 50 percent more costly than HSR between Paris and Marseille (gasoline and tolls). On the other hand, in the New York–Washington market, travel by high-speed rail is more expensive than traveling by auto, even at \$4.00 per gallon for gasoline.

Door-to-Door Travel Times: Autos

A disadvantage of HSR is connecting between the non-home station and the final destination. This will often require, as noted in the air section above, renting a car or taking a taxi, which adds considerable expense. There is also the limited potential to use transit to reach the final destination. Each of these alternatives can significantly lengthen travel times, because of the time necessary to transfer from the train to the ultimate mode of transport to the destination. High-speed rail travelers to stations such as Gare du Nord in Paris and Union Station in Washington, D.C., often face long waits in taxi queues (as they often do at airports).

Even in short and medium distance markets, where airlines are less important or service may be non-existent, HSR has little travel time advantage compared to autos. This would include markets such as the Los Angeles area to the San Joaquin Valley, the San Francisco Bay Area to the San Joaquin Valley, Sacramento to the San Francisco Bay Area and the Los Angeles area to the San Diego area. This is illustrated by HSR estimates of door-to-door travel times in 2030:³⁴⁸

- From downtown Los Angeles to downtown Fresno, HSR would save only three minutes, at 3 hours and 38 minutes, instead of 3 hours and 41 minutes by auto, according to CHSRA. Under the speed assumptions of this Due Diligence Report, train travel time would increase 36 minutes, making HSR slower than auto travel door-to-door by 33 minutes. Of course, few destinations in either the Los Angeles or Fresno area are within walking distance of the downtown stations. This means that most travelers would need to use a rental car or taxi to reach their final destination. As in the case of San Francisco to Los Angeles, many trips would take longer than downtown-to-downtown trips.
- From downtown Los Angeles to downtown San Diego, HSR would save two minutes (2 hours and 39 minutes compared to 2 hours and 41 minutes for autos). Under the speed

assumptions of this report, train travel time would increase 33 minutes, making HSR slower than auto travel door-to-door by 31 minutes. The less direct routing through the Inland Empire instead of along the more direct coastal route materially compromises the ability of HSR to provide faster travel. Little of either the Los Angeles or San Diego area is within walking distance of the downtown stations. This means that most travelers would need to use a rental car or taxi to reach their final destination. As in the case of San Francisco to Los Angeles, many trips would take longer than downtown-to-downtown trips.

HSR would have substantial door-to-door travel time advantages compared to the auto in longer-distance markets, such as the Los Angeles or San Diego areas to the Sacramento, San Francisco or San Jose areas. However, because long-distance drivers tend to be more price-sensitive, and especially because of the expensive local connections (rental cars or taxicabs) that would be necessary, HSR is not likely to strongly compete for longer distance auto drivers.

Conclusion

HSR would provide only minimal advantages as an alternative for long-distance (airline) markets, because door-to-door travel times would be greater and there would be less frequent non-stop service. Similarly, HSR would be unattractive to car drivers in middle-distance (automobile-oriented) markets because little or no door-to-door time savings would be achieved and costly local connections would often be required (rental cars or taxicabs).

As was indicated earlier, it is quite likely that HSR trip times will be longer than has been published. Adding to trip length is that HSR door-to-door travel times in some cases are only slightly advantageous over air or auto travel and in other cases HSR is disadvantaged. Air travelers who want schedule flexibility will find HSR's frequencies to be exceedingly modest relative to airline frequencies. Auto travelers are principally concerned about costs (especially when more than one person is traveling in a car), which are likely to deter auto travelers from using HSR. The HSR system will experience disadvantages and commercial challenges in competing with air and auto travel, difficulties that have been understated in CHSRA documentation.

G. Financial Uncertainty

It appears unlikely that sufficient private and public subsidy funding will be found to finance the HSR plan. Funding is not even set for Phase I. As a result, it is more likely that the system will either be built only in part or not at all. Moreover, claims of profitability could not conceivably be true under even the most optimistic assumptions, unless payment of debt is ignored.

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There is currently no comprehensive financing plan for HSR in California. So far, the only funding has been the \$58 million spent by CHSRA on planning.³⁴⁹

There is a proposal on the November 2008 ballot for \$9 billion in bonds that would be used for the system.³⁵⁰ This bond issue referendum was originally to be on a 2002 ballot, but was postponed to 2004 and again postponed from the 2006 ballot.

Evolution of Financing

When the bond issue was originally proposed, it was assumed that it would pay approximately one-third of the cost of the HSR system, which had been announced at \$25 billion. It was further assumed that there would be federal "matching" funds of \$9 billion (despite the fact that there was and is no federal matching program for HSR), with the balance to be supplied by private investors.

No guarantee exists that the necessary federal program would be enacted and if it were, there could be many potential claimants. With a myriad of HSR proposals around the nation (See Part 3, United States Experience) it could be expected that government sponsors, vendors and advocacy groups would seek funding. In short, any substantial federal HSR funding program would be very expensive to federal taxpayers. CHSRA advisor Lehman Brothers has indicated that federal "grants in the amount of \$10 billion may be difficult to attain."³⁵¹

The report of the state Senate Transportation and Housing Committee expressed broader concerns about funding:

*Although the early draft of the Authority's financial plan anticipates \$2 to \$4 billion in contributions from local governments and others for the development of the high-speed system, there is no guarantee that these funds will materialize. Similarly, there is an expected federal commitment of \$10 to \$12.5 billion. This would represent a substantial new federal program, and is a funding option that will require further analysis by the Authority, as it potentially affects the strength of the entire financial plan.*³⁵²

In the intervening years, the cost of the HSR system has escalated at least 50 percent, to \$45.4 billion. At this rate, the \$9 billion bond issue would provide only 20 percent of the necessary funding, well below the one-third previously planned. Moreover, it appears that the \$45.4 billion does not include the Missing Phase of the Oakland-East Bay-San Jose segment.

Phase I

As the HSR system has escalated in cost, CHSRA has focused on building less than the entire system. The Phase I system would be built from Anaheim through Los Angeles to San Francisco. Phase I is projected to cost \$30.7 billion (2006\$). Virtually all of the current CHSRA financing documentation relates only to Phase I, despite earlier financial plan references that pertained to the

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entire system. In April 2008, CHSRA Chairman Quentin Kopp indicated that Phase I would be funded one-third by the state bonds, one-third by the federal government and one-third by the private sector.³⁵³

However, the Kopp funding outline is inconsistent with the materials that have been provided to the investment community. According to a report for the Commission by Lehman Brothers,³⁵⁴ the funding program for Phase I would include these elements:

- A state subsidy of from \$9 billion to \$12.5 billion.
- Federal capital subsidies of from \$9 billion to \$12.5 billion.³⁵⁵
- Local government funding and cost sharing of from \$3 billion to \$8 billion
- Carbon market credits of \$0.5 billion or more.
- Private investment of \$5 billion to \$7.5 billion

This hodgepodge of funding is highly speculative. There are no local government funding programs in place, nor any cost sharing programs. However, federal funding for HSR is very limited.

Even the anticipated private funding appears to be short of previous expectations. CHSRA advisor Lehman Brothers places the likely amount below Chairman Kopp's anticipated one-third funding level. Private investment would be limited to between one-fourth and one-sixth of the total Phase I cost.³⁵⁶

There are even potential difficulties with the proposed, modest private investment. Indeed, Lehman Brothers, a CHSRA advisor, notes that "political meddling" is a risk of concern to potential private investors.³⁵⁷ Lehman cites the Route 125 toll road in the San Diego area, where community opposition made it impossible to complete the entire route. (See Part 7.)

Moreover, as Lehman Brothers implies in its CHSRA memorandum, the private investment is likely to materialize only after the federal, state and local taxpayer funding of from 75 to 85 percent is secured. This could be most difficult and without securing these government funds, financing for HSR could well be limited to the \$9 billion state bond issue, assuming that it is approved by the voters. Of course, in that eventuality, HSR could not be built in any configuration that resembles current plans.

Lehman Brothers mentions additional funding sources, such as revenues from a statewide sales tax, additional general obligation state bonds, additional local government contributions ("local partnerships") and others. In particular, funding from local governments appears unlikely, given the difficult financial situation faced by counties and municipalities. Lehman Brothers also

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indicates the potential for funding from “safe-harbor” leasing, which would require a change in federal legislation.

Phase II

But if the funding for Phase I is a speculative hodgepodge, the \$14.7 billion currently estimated funding for Phase II is even more problematic (Sacramento to Merced, for a Sacramento to Southern California connection, Los Angeles to San Diego). There has been some suggestion Phase II might be built with profits from Phase I.³⁵⁸ This Due Diligence Report concludes that there is virtually no likelihood that such profits will materialize, either for private investors or for the CHSRA.

Even CHSRA Chairman Kopp stressed the need for additional taxpayer financing, while not mentioning revenues from Phase I as a funding source in a letter to Senate Transportation and Housing Committee Chairman Alan Lowenthal.

*As to construction of the remaining part, we have not prepared a specific plan. We believe that if additional state funds appear needed for the remaining segments, it is the prerogative of the Legislature to determine the amount, source and timing of such funds, similar to its action on Phase one.*³⁵⁹

Phase II appears to be unlikely to be built, unless it is virtually fully funded by additional taxpayer subsidies. There would seem to be a significant possibility that these sections would not be built at all, leaving taxpayers in Sacramento area, Stockton-Modesto, the San Gabriel Valley, the Inland Empire and San Diego financing a system serving only Anaheim through Los Angeles to San Francisco; taxpayers in other unserved areas of the state would also be paying for the system.

Missing Phase

The Missing Phase (Oakland–East Bay–San Jose) would face an even more uncertain funding future than Phase II. This would mean that travel times between Sacramento and the Bay Area would be extended, because of routing through Merced.

The Implied Phase

This report has created a category named the “Implied Phase” to include certain routes (Anaheim–Irvine, the Altamont Corridor connecting the Central Valley to the East Bay, and the Dumbarton Bridge across lower San Francisco Bay), which have been much discussed but have not been generally included in the preferred alignment planning for HSR.

Some public expectation may have developed that these HSR segments will be built because the CHSRA has referenced them in project and promotional materials.³⁶⁰ To take Irvine as an example, the CHSRA declared in 2005 that “For the Irvine alignment scenario, service from [Los Angeles Union Station] and Irvine would begin on January 1, 2019.”³⁶¹ One ridership report estimated Irvine fares and station parking fees while another included Irvine in a multitude of forecasts.³⁶² A presentation in March 2008 identified the planning contractor for Los Angeles–Irvine.³⁶³ Finally, one map shows Irvine on a “preferred alignment” while another indicates that a train speed range of between 100 mph and 150 mph is slated for the Irvine–Anaheim segment.³⁶⁴ The public has received many signals about service to Irvine, yet it is not included in present plans.

The Implied Phase faces a most uncertain future and funding would be even more speculative than for Phases I and II and the Missing Phase. It is incomprehensible that the Implied Phase would be built without significant taxpayer subsidies.

Public Private Partnerships

Public Private Partnerships (PPP) have been used successfully in many projects throughout the world. The private investment in CHSRA would be a PPP. However, not all PPPs are successful. To be a success, a PPP must be based upon a robust funding plan and business model. Moreover, for investors, risks must be more than offset by the realistic potential of sufficient profits.

CHSRA advisor Lehman Brothers noted that there are significant political risks with HSR in the United States. Political risks can be a more significant barrier to private investment than market risks. Lehman Brothers specifically indicated a number of risks that could complicate the potential for private investment in HSR. These include:

- The potential for cost overruns. Lehman Brothers indicates that some potential investment funds do not participate in “green field” (new) projects due to cost overruns.
- The potential for delays, which can materially increase costs and erode anticipated profits. As with cost overruns, the threat of delays precludes some potential investment funds from “green field” projects according to Lehman Brothers.
- Failure to reach ridership projections. Lehman Brothers notes the “poor past transit” experience as a concern with respect to ridership projections.
- Failure to reach revenue projections (and thus profit uncertainty).
- Political meddling: Lehman Brothers notes that political meddling has been a problem already in a California public private partnership (State Route 125 toll road in San Diego).

These risks could discourage a sufficient level of private investment or make the cost of that investment higher. Further, the report of the state Senate Transportation and Housing Committee

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noted that “forecasts are viewed skeptically in the investment community and may require additional independent verification.”³⁶⁵

As a result of these risks, obtaining sufficient private sector funding will be challenging.

The Question of Profits

As has been noted, there are serious questions about whether any HSR system in the world is profitable when all factors are considered. (See Part 3, International Experience.) However, CHSRA Executive Director Mehdi Morshed has indicated that the California HSR system would be profitable and has even predicted an annual profit of \$1 billion.³⁶⁶ While Morshed provides no detailed data, such a result is doubtful under the most optimistic assumptions.³⁶⁷ CHSRA Chairman Quentin Kopp wrote that the HSR system would “operate at a profit (just like the European and Asian systems) without taxpayer subsidy.”³⁶⁸

Statements such as these are countered by transportation experts William L. Garrison and David M. Levinson who indicate that the claim of profitability for HSR systems “conveniently ignores the very high capital costs” and that “HSR has in all cases required government subsidy.”³⁶⁹ Indeed, to claim that HSR systems are not subsidized when much of their capital costs (and perhaps even operating costs) are paid for by government is akin to claiming a household budget produces a surplus without including the mortgage on the house.

At the same time, this is in contrast to other forms of intercity passenger transportation. The airline system is virtually all supported by user revenues, rather than general subsidies.³⁷⁰ (See Part 5.) Intercity highways and freeways are virtually all paid for by user revenues as well, rather than general subsidies.³⁷¹ Similarly, intercity buses are largely unsubsidized.

Finally, there is virtually no likelihood that HSR system surpluses will be available to finance system completion or expansion, simply because HSR profits are likely to be miniscule or non-existent. (See Part 9.)³⁷²

Thus, in addition to the likelihood that ridership and revenues will fall short, that capital costs will be higher, that operating costs will be higher, that anticipated operating speeds are not likely to be achieved, CHSRA lacks a viable financial plan. Moreover, there appears to be no short-term prospect that such funding will materialize, beyond the possible voter approval of the \$9 billion bond issue.

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Conclusion

It appears unlikely that sufficient private and public subsidy funding will be found to finance the complete HSR plan. As a result, it is more likely that the system will either be built only in part or not at all. Moreover, claims of profitability could not conceivably be true under even the most optimistic assumptions.³⁷³

While current focus is on HSR’s initial capital costs, the future costs for on-going capital renewal and replacement can be very large in their own right. Examples include vehicle replacement and major right-of-way renewal. Such costs have typically been insufficiently accounted for on large rail projects. The extent to which CHSRA has accounted for such future costs is not clear.

At this time the state of California lacks a comprehensive HSR financing plan. The proposed state bonds would be insufficient to build Phase I, much less the rest of the system. Little is firm about potential matching funds from federal and local governments and from potential investors. The state Senate Transportation and Housing Committee has issued cautionary statements about the availability of matching funds.

Also, CHSRA advisor Lehman Brothers has outlined risks that can be a barrier to private investment, including cost overruns, failure to reach ridership and revenue projections and political meddling. Meanwhile, the cost of the project continues to grow.

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Part 5

Alternatives to Building the HSR System

The costs of the CHSRA highway and aviation “alternatives” are highly exaggerated. If the system were built, diversion of traffic from the highway and aviation systems would be imperceptible. In fact, meeting the demand that would otherwise be switched to HSR would require much less investment compared to the cost of HSR.

CHSRA has produced cost estimates for the Highway and Aviation Alternatives (referred to as “modal” alternatives in the EIS/EIR) that it claims would be necessary to meet the demand that would otherwise be met by HSR, if built. Overall, CHSRA indicates that the cost of such alternatives would be \$82 billion³⁷⁴—\$66 billion for highways and \$16 for airports.³⁷⁵

At \$82 billion, the Highway and Aviation Alternatives were expected to cost between 2.2 and 2.5 times that of the HSR system, which was estimated at \$33 billion to \$37 billion (2003\$) when the alternatives analysis was announced.³⁷⁶

Public officials and the media have largely accepted the CHSRA analysis without question. For example, a *San Francisco Chronicle* editorial summarizes what has become the prevailing view among HSR proponents:

If we don’t build a high-speed rail train, California would need to build 3,000 additional miles of highway and five airport runways to meet future intercity travel demands. The cost of building a high-speed train is less than half the cost of expanding freeways and airports.³⁷⁷

Even as HSR cost escalation has continued, the proponents’ claims have become more strident. Assembly Bill 3034, introduced in 2008, declared that the “alternatives” had expanded to three times the cost of HSR.

The high-speed train system proposed by the authority will cost about one-third of what it would cost to provide the same level of mobility and service with highway and airport improvements...³⁷⁸

CHSRA projects road demand to increase 52.5% from 2000 to 2030 and airline demand to increase 75% from 2000 to 2030.³⁷⁹ Such large increases would require additional airport and highway

capacity *regardless* of whether or not the HSR system is built. These increases would overwhelm the modest impacts of HSR (below). Little if any reduced capacity requirement in either highways or aviation would be attributable to demand reduced by HSR. CHSRA attributes *all* of the costs of its major highway and airport expansion proposals to HSR, when, in fact, HSR would be a small factor in such expansions. Moreover, CHSRA uses highly inflated costs in its highway construction estimates.

This chapter finds the CHSRA Highway and Aviation Alternatives estimates to be faulty, composed of transportation improvements that are not needed or which have little to do with HSR and cost estimates that are highly exaggerated. As a result, the CHSRA’s highway and airport expansion estimates are not genuinely reflective of the costs of alternatives to HSR.

This Due Diligence Report estimates the attributable avoidable cost for the Highway and Aviation Alternatives to be *\$0.9 billion with HSR in place* rather than the \$66 billion claimed by CHSRA. The maximum impact of HSR would be to delay required highway expansions by little more than 18 months. This cost difference of *more than 98%* illustrates how modest a future role HSR will play in reducing highway congestion. Further, much more modest aviation volume increases and operational improvements are likely to virtually accommodate far more new passenger volumes than would be reduced by HSR.

As a result, the CHSRA alternatives *cannot* be taken seriously. They are, in fact, little more than “straw men,” which have the effect of misrepresenting the choices that are available to policy makers in California, in such a way that HSR, which is exceedingly expensive, is made to appear affordable. The CHSRA alternatives are discussed further below.

Subsidies and User Fees

However, before discussing the CHSRA alternatives in detail, it is appropriate to consider the subjects of “subsidies” and “user fees.” Expenditures on highways and airports are often referred to as “subsidies.” In fact, they are overwhelmingly not. Intercity highways are paid for virtually exclusively by user taxes and fees, which are principally assessed on drivers, intercity buses and trucks, based upon their use of fuel. Airports and commercial air travel are nearly all financed by user taxes on airline tickets, landing fees and other user charges.³⁸⁰ These charges are not levied on other goods or services. Subsidies are amounts collected from all taxpayers, regardless of whether they use the particular government service on which they are spent. Simply put, those who do not drive do not pay for highways and those who do not fly do not pay for airports (or airline operations).

The difference is illustrated by an example from outside transportation. Virtually all taxpayers pay for public schools, regardless of whether they use them. The expenditures on public schools are thus the result of subsidies. However, residents who obtain their electricity from the city of Los Angeles Department of Water and Power (DWP), a government organization, pay user fees for the

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power that they use. DWP expenditures are made from user fees, not subsidies. It would be no more reasonable to characterize a DWP customer as being subsidized than it would to characterize a customer of Southern California Edison, a privately owned electricity supplier, as being subsidized.

In intercity transportation, nearly all government expenditures are derived from user taxes and user fees. Highways, airports and intercity buses are therefore provided with little or no subsidy. The one exception is intercity rail (Amtrak), which receives substantial general taxpayer subsidies and has benefited from government-guaranteed loans that it was not required to repay; Amtrak also receives user fees in the form of passenger fares. If intercity rail were funded in the same manner as highways and airports, its public funding would be obtained from a dedicated tax on tickets.

There is a simple test to differentiate between user fees and subsidies:

- If only those who use a service pay for it, it is a user fee. In the case of roads, only those who use the roads are charged. In the case of airports, only those who use them pay. People who do not use roads or airports do not pay for them.
- If taxpayers pay for a service whether or not they use it, it is a subsidy.

This is an important distinction to keep in mind in considering HSR and its purported alternatives. In California, highways and airports are paid for by user charges. Thus, whatever are the legitimate costs of meeting HSR demand by expanding highways and airports will be paid for by their users. However, substantial amounts of taxpayer funding will be required for HSR, in addition to the user fees (fares) that passengers will pay.

A. The CHSRA Highway Alternative

The CHSRA Highway Alternative would add a single lane in each direction along virtually the entire HSR corridor (Table 16) and two lanes in each direction lanes on I-5 between downtown Los Angeles and the I-5/SR-14 junction at the northern edge of the San Fernando Valley.³⁸¹ CHSRA included roadway expansions on corridor routes, whether or not they were needed (in a number of cases, no serious traffic congestion was projected by CHSRA in the horizon year). In some corridors, lanes are added on more than one roadway, such as parallel I-5 and SR-99 between Sacramento and the Bakersfield area and the parallel I-15 and I-5 between the Los Angeles area and San Diego. Overall, approximately 2,900 lane-miles would be added.³⁸² According to CHSRA, the cost of the Highway Alternative would be \$66 billion. This report finds the cost to be highly exaggerated as the result of:

- Projections that attribute far more of the cost of highway expansion to HSR than is reasonable, because HSR would reduce traffic volumes so little.
- Unit costs (cost per highway lane mile) that are far above realistic estimates.

- Inclusion of highway segments that would not require expansion under any scenario by the horizon year (2020 or 2030, depending on the CHSRA projection set).

Roadway	From	To
I-5	Sacramento	San Diego
I-8	I-5 Jct. (San Diego)	SR-163 Jct. (San Diego)
I-10	Los Angeles	Riverside
SR-14	Palmdale	I-5 Jct. (south of Santa Clarita)
I-15	Ontario	SR-163 Jct. (San Diego)
I-80	San Francisco	Sacramento
SR-99	Sacramento	I-5 Jct. (south of Bakersfield)
US-101	San Francisco	Gilroy
SR-152	Gilroy	Jct. SR-99 (south of Merced)
SR-163	I-15 (San Diego)	I-8 (San Diego)
I-215	Riverside	Murietta, Temecula
I-580/I-238	I-880 Jct. (East Bay)	I-5 Jct. (east of Tracy)
I-880	Oakland	San Jose

Exaggerating the HSR Attributable Share

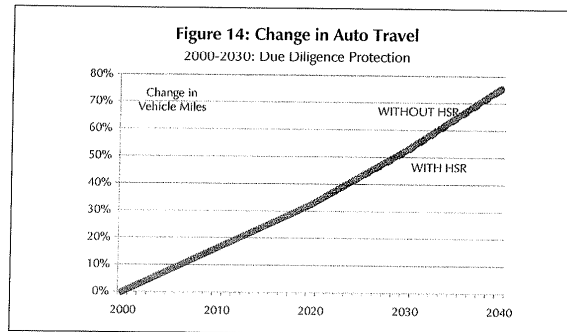
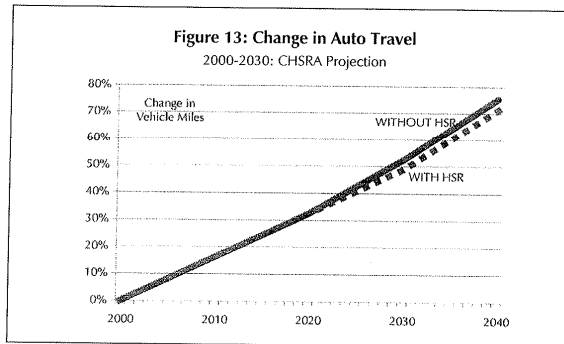
Further, CHSRA attributed the full cost of these roadway expansions—\$66 billion—to HSR. In other words, CHSRA's assumption is that in the absence of HSR it would be necessary to spend \$66 billion to accommodate the demand that would otherwise be accommodated by HSR. This is not a plausible proposition, because the traffic that CHSRA projects would be attracted from roads to HSR is so small.

HSR Impact on Traffic Volumes. The latest CHSRA traffic projections indicate that HSR would reduce future volumes (2030) on corridor roadways by 2.5% (Figure 13).³⁸³ Under the Due Diligence Report projections, the impact would be two-thirds less (Figure 14), at approximately 0.8 percent. By comparison, CHSRA projects overall roadway traffic growth of 52.5% (2000-2030), which would overwhelm the HSR traffic impact (2.5%) by many times. Of course, this strong roadway traffic growth would require substantial additional roadway construction, especially where roads are near or above capacity today. However, the modest demand that would otherwise be diverted to HSR is not the principal or proximate cause of this highway expansion. A reasonable estimation of the Highway Alternative cost cannot exceed the share of any expansion that is attributable to HSR.

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HSR Traffic Impact in Context. On a typical 4-lane freeway, an additional lane in each direction will add approximately 50 percent to capacity. On an urban 8-lane freeway, an additional lane in each direction would add 25 percent to capacity. HSR's traffic impact would be small by comparison—ranging from 1/10th to 1/20th or less of the additional highway capacity that would be added under the CHSRA Highway Alternative. The CHSRA projected 2.5 percent reduction in traffic due to HSR would represent 1.7 years growth in roadway traffic based upon the 2000-2030 rate (additional analysis of HSR's traffic impact is below).³⁸⁴

HSR Impact on Traffic Congestion: Elaboration. CHSRA projections indicate little HSR impact on reducing traffic congestion by 2020:

- If HSR is not built and the Highway Alternative is not built, traffic demand would average 31 percent above roadway capacity.
- If HSR is built and the Highway Alternative is not built, traffic demand would average 26 percent above roadway capacity.
- If the Highway Alternative is built and HSR is not built, traffic demand would average 4 percent above roadway capacity.

Thus, traffic congestion would be considerably worse with HSR than with the CHSRA Highway Alternative. This is illustrated by Table 17, which is reproduced from the EIS/EIR.³⁸⁵ On average the Highway Alternative would reduce traffic congestion five times as much as HSR, according to CHSRA. The Highway Alternative would reduce traffic congestion³⁸⁶ 21%, while HSR would reduce traffic congestion 5%. The Highway Alternative would thus reduce traffic volumes by *five times* the traffic reduction that is projected if HSR is built (Figure 15). Even at the exaggerated CHSRA costs, the Highway Alternative would be three times as cost-effective in traffic congestion reduction as HSR.³⁸⁷

Further, CHSRA's estimate of statewide traffic reduction (2.3 percent) is untenably high in view of its 2.5 percent peak period estimate for northern California roadways. The traffic on all of the state highways CHSRA studied as impacted by HSR in its EIS/EIR account for less than one-quarter (23 percent) of the state's annual driving.³⁸⁸ Thus, the CHSRA traffic diversion estimate as indicated on northern California roadways is more likely to represent approximately a 0.6 percent statewide traffic reduction, rather than 2.3 percent.³⁸⁹

Further, the CHSRA projected impact of HSR on traffic congestion would be so slight that there would be *no* perceivable change in traffic congestion along corridor routes as measured by the level of service along the routes evaluated in the NCEIS.³⁹⁰

Table 17: Traffic Impacts: Highway Alternative and HSR: 2020

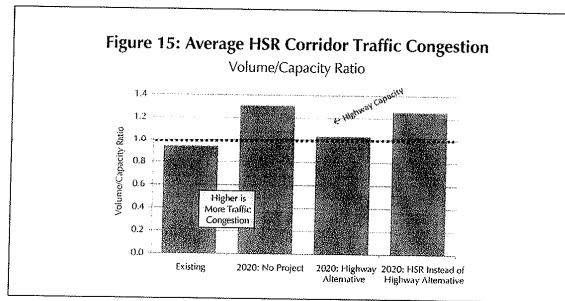
Region	Intercity Highway Segment Averages				
	NP		Modal Alternative		HSR Alternative
	V/C	V/C	% Change from NP	V/C	% Change from NP
Bay Area to Merced	1.22	0.96	21%	1.14	7%
Sacramento to Bakersfield	0.92	0.62	33%	0.89	4%
Bakersfield to Los Angeles	1.67	1.38	14%	1.67	1%
Los Angeles to San Diego via Inland Empire	1.40	1.15	19%	1.29	9%
Los Angeles to San Diego via Orange Co.	1.35	1.11	16%	1.31	3%
Average	1.31	1.04	21%	1.26	5%

NP = No Project Alternative. Source: Parsons Brinkerhoff, 2003.

Source: Reproduction of CHSRA's EIS/EIR Table 3.1-4. V/C = ratio of volume to capacity

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Unneeded Highway Expansions and Expansions Indicating no HSR Impact

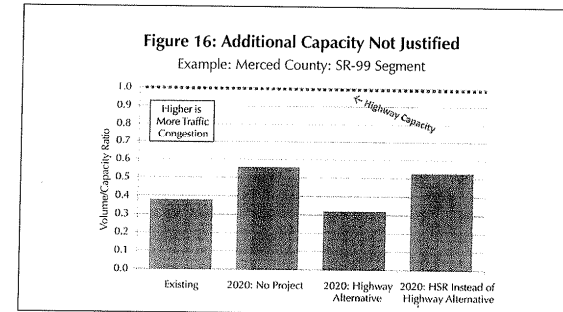
The CHSRA Highway Alternative includes roadway segment expansions that are not needed, and over-capacity roadway segments on which HSR would have virtually no impact in reducing traffic congestion.

Segments Not Needing Expansion. According to the CHSRA traffic analysis, traffic on a number of roadway segments would remain at least 20 percent below capacity in 2020. Where there is at least 20 percent capacity remaining, roadway expansion would not be necessary.³⁹¹ Nevertheless, CHSRA's Highway Alternative anticipates expanding these roadway segments. The most significant examples are as follows:

The CHSRA Highway Alternative would expand I-5 by one lane in each direction between I-205 (near Stockton) and near Santa Clarita. This approximately 200-mile stretch of roadway expansion would require, based upon CHSRA estimates, an expenditure of more than \$4 billion. However, CHSRA data shows the roadway to be at least 20% *below* capacity in 2020 at every reported point, with HSR and without highway expansion.

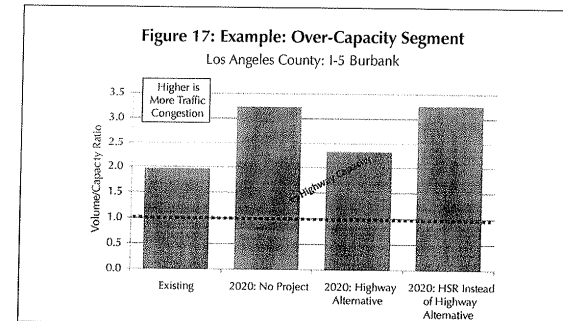
The CHSRA Highway Alternative would expand State Route 99 by one lane in each direction between Merced and its junction with I-5 south of Bakersfield. This nearly 200-mile stretch of roadway expansion would require, according to CHSRA, an expenditure of more than \$6 billion. However, CHSRA data shows the roadway to exceed 80% of capacity at only one point (south of Fresno, between Fresno and Selma). It is estimated that approximately one-sixth of roadway expansion proposed by CHSRA under its Highway Alternative is unnecessary because sufficient capacity would remain with or without HSR.

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Segments Where HSR Makes No Difference. CHSRA proposes highway expansions in cases where its own projections show that HSR would have virtually no impact on traffic congestion. The CHSRA proposed expansions would leave highway segments at *above* capacity, with or without HSR. For example:

- CHSRA proposes adding two lanes in each direction to Interstate 5 between Burbank and Los Angeles. Yet, 2020 traffic volumes are projected by CHSRA to be 226 percent above capacity with HSR (and no roadway expansion) and 224 percent above capacity with no roadway expansion and *no* HSR. Thus, according to CHSRA, the traffic conditions are worse *with* HSR than without it (Figure 17).³⁹²



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- CHSRA proposes adding one lane in each direction between Fremont and San Jose. Yet, both with and without HSR, 2030 traffic volumes are projected by CHSRA to be 58 percent above capacity. Thus, according to CHSRA, the traffic conditions are the same, *with* HSR and without it.³⁹³

Urban Highway Expansion Would Be Needed Anyway

Further, the CHSRA anticipates a number of highway expansions in urban areas. Because of the higher traffic demand in these areas, freeways are more frequently expanded. This expansion is principally the result of traffic *within* the urban area, not *between* urban areas. Thus, as California's urban areas continue to grow, these expansions will be necessary, regardless of whether HSR is built. HSR would not be a material factor in reducing the demand for expanding freeways in urban areas or elsewhere, because of the small amount of traffic that it would divert. Moreover, even with the proposed commuter services, CHSRA projections indicate that HSR would make virtually no difference in local traffic congestion conditions where operated in the San Francisco Bay Area, the Los Angeles area or the San Diego area.

Exaggerating Unit Costs

CHSRA uses exceedingly high unit cost (cost per mile) estimates for its highway "alternative." Based upon Federal Highway Administration cost factors, a plausible estimate of costs of the highway expansions proposed by CHSRA would be approximately \$18.7 billion (Table 18).³⁹⁴ This is less than one-third of the \$66 billion estimated by CHSRA.

Station Congestion Impacts

While HSR would have virtually no perceivable impact on roadway congestion along the corridor, it seems likely that the most significant traffic impact will be increased traffic congestion around stations, according to CHSRA data. At a majority of station locations being considered on the preferred Pacheco alignment, CHSRA projects that there will be an increase in traffic congestion as measured by the "level of service."³⁹⁵

It does not appear that CHSRA projections include the capital costs that will be imposed upon municipalities for roadway expansions that might be necessary as more traffic is added to small, often already congested areas.

CHSRA Highway Expansions: Due Diligence Cost Estimate

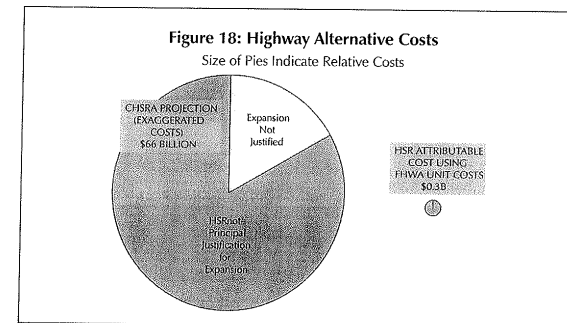
The reality is that the program of highway expansions proposed by CHSRA is not an alternative to HSR at all, but would largely be required regardless of whether HSR is built. The capture of highway demand by HSR would simply be a minor factor in reducing the need for highway expansion, since overall traffic growth trends are so much greater.

Above it was estimated that a more realistic cost estimate for the program of highway expansions proposed by CHSRA would be \$18.7 billion. This figure can be reduced to \$15.6 billion, to account for the estimated costs of unnecessary roadway expansions in the CHSRA Highway Alternative. HSR's attributable share of the \$15.6 billion would be approximately 6 percent,³⁹⁶ or approximately \$0.9 billion (Table 18).³⁹⁷ Thus, the more realistic HSR-related cost of the Highway Alternative is 98 percent below the CHSRA \$66 billion claim (Figure 18). Under the Due Diligence Report traffic projections, the HSR-related cost of the Highway Alternative would be approximately \$300 million.

Table 18: Adjusted Cost of Highway Alternative

Type of Expansion	Lane Miles	Per Lane Mile (Millions)	Total Cost (Billions)
Rural Flat	1,352	\$1.6	\$2.1
Urban Under 50,000	161	\$2.6	\$0.4
Urban 50,000-500,000	200	\$2.9	\$0.6
Urban 500,000-1,000,000	258	\$4.8	\$1.2
Urban Over 1,000,000: Normal	725	\$9.5	\$6.9
Urban Over 1,000,000: Heavy	151	\$39.7	\$6.0
Rural Freeway Mountainous	182	\$5.1	\$0.9
SF Bay Crossing	18		\$0.6
	3,046		\$18.7
Expansion not Justified			\$3.1
Expansion Justified by Normal Traffic Growth			\$15.6
HSR Share			5.8%
Attributable to HSR: CHSRA Basis			\$0.9
Attributable to HSR: Due Diligence Basis			\$0.3

2003\$, inflated from 2002 FHWA lane mile cost factors; San Francisco Bay Crossing cost from CHSRA



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B. The CHSRA Aviation Alternative

CHSRA asserts that California would need “Over 90 new gates and five new runways statewide—equivalent to more than two new Ontario International Airports” without HSR.³⁹⁸ According to CHSRA, this would require \$16 billion additional in expenditures. As in the case of the CHSRA Highway Alternative, the CHSRA Aviation Alternative is based upon challengeable assumptions.

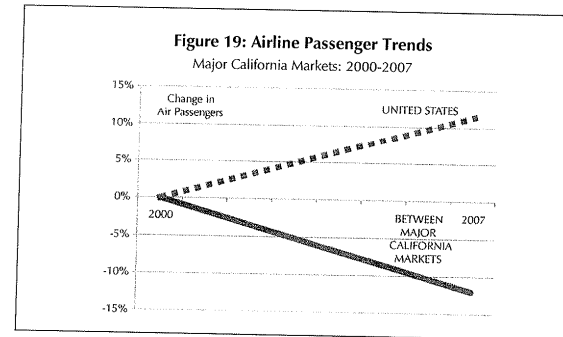
- That there would be significant growth in the underlying demand for airline service in California. In fact, airline passenger volumes are running far behind CHSRA assumptions—a situation that was developing when the EIS/EIR and NCEIS were prepared and has since continued.
- That a large share of airline passengers would switch to HSR and that airlines would cancel a large share of the flights within California. This purportedly would make it possible to avoid the costly airport expansions. International experience shows that the number of airline flights remain high in the longer HSR markets, even after HSR is built.
- A failure to recognize the potential for expanding airport capacity through operational improvements.

The combination of these factors makes it unlikely that the capture of airline passengers by HSR would have any material impact on airport volumes.

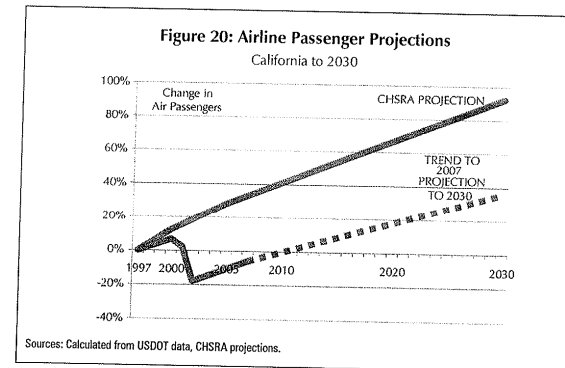
Airline Market Growth. CHSRA projects an airline passenger volume increase in the HSR corridors of approximately 75 percent from 2000 to 2030. This projection seems remarkably high. Since 2000, average daily passenger volumes between the major airports in the Los Angeles, San Francisco Bay, San Diego and Sacramento areas have fallen 11.9 percent.³⁹⁹ A principal factor was the impact of the 9/11 terrorist attacks, which led to reduced airline passenger volumes.

However, the ridership declining effects of 9-11 have lingered much longer in California, which is nearly the opposite of the trend in the rest of the nation that has seen overall airline volumes increase 11.4 percent between 2000 and 2007 (Figure 19).⁴⁰⁰ In 2007, airline passenger volumes were nearly 30 percent below what would have been expected under the CHSRA projections.⁴⁰¹

The decline in California airline travel also extends to interstate flights. Overall, take-offs and landings declined 10.0 percent at the five major Los Angeles area airports between 2000 and 2007. Airline take-offs and landings there declined 8.7 percent.⁴⁰² At San Francisco International Airport, total take-offs and landings declined 12.4 percent, while airline takeoffs and landings declined 20.0 percent from 2000 to 2007.⁴⁰³ Total take-offs and landings at Oakland International Airport declined 27.8 percent from 2000 to 2008.⁴⁰⁴



It seems highly unlikely that the CHSRA projected increase in airline ridership will occur. If airline volumes were to increase at the projected 2005 to 2030 rate from their 2007 level, the 2030 volume would be only 36 percent above 2000, less than one-half of the CHSRA projected 75 percent increase (Figure 20⁴⁰⁵). Finally, the recent increases in fuel costs have led to a reduction in air service in a number of markets. As a result, the CHSRA airline volume projections appear to be very high.



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Projected HSR Capture of Airline Passengers

CHSRA projections indicate that HSR would attract from approximately 60 percent to 95 percent of the combined Los Angeles–San Francisco Bay area HSR–air market in 2030, which represented nearly one-half of air travel within the HSR markets in 2005.⁴⁰⁶

The air-diversion estimates are all exceedingly optimistic. No high-speed rail system achieves such market dominance in a strong market of similar distance or travel time. Even in the Tokyo–Osaka market served by the Bullet Trains, the HSR share of the air and HSR market is a considerable 80 percent, but that is with far higher driving costs (including high tolls), higher air fares and a pre-existing strong conventional rail market. It is also considerably higher than the Paris–Marseille market (similar in distance to San Francisco–Los Angeles) at 65 percent.

Strong Air Markets Would Remain in HSR Corridors

High HSR market shares do not necessarily lead to air-service reductions of nearly the same magnitude. The large HSR market shares in the Paris–Marseille and Tokyo–Osaka markets might lead to the impression that there is little air service, or that most of the air service has been cancelled. The facts are otherwise.

- The Tokyo–Osaka air market is one of the largest air markets in the world despite the availability of Bullet Trains. On a daily basis, this market serves more than 23,000 daily passengers, which is nearly 2.5 times the volume of the busiest air route in the United States (New York–Chicago, at 9,900).⁴⁰⁷ Frequent service is provided by wide-bodied jets (principally Boeing 777s). At least 40 non-stop flights are provided on weekdays.⁴⁰⁸
- The Paris–Marseille air market was strong before the Marseille high-speed TGV train service began and remains strong today. The Air France Paris Orly Airport–Marseille shuttle continues to operate between 17 non-stop services in each direction on weekdays and six more non-stop flights are operated from Charles de Gaulle Airport in Paris.⁴⁰⁹ Although its frequency has been reduced by one-third since before the Marseille HSR service opened (2001),⁴¹⁰ the airline's service reduction was well short of the two-thirds that might be expected as a consequence of the 65 percent HSR market share.
- Despite the *Eurostar* HSR service, 30 non-stop flights are operated in the Paris–London market each weekday.⁴¹¹
- Despite Amtrak's *Acela* service, more than 30 non-stop flights are operated in the New York–Washington market each weekday.⁴¹²

Airport expansion is not required by the number of passengers so much as it is by the number of daily takeoffs and landings. As noted for Paris–Marseille TGV and Tokyo–Osaka Bullet Trains,

strong airline frequencies remain despite what are arguably the world's most effective HSR systems. This is likely to be the case in California as well.

The CHSRA also presumes that airlines will not strongly respond to the competition from HSR. Most of the California air routes are long enough that airlines can continue to operate strong schedules, as they do in the above-mentioned markets. It seems likely that the reduction in airline flights between the markets, and takeoffs and landings, will be insignificant. (See Part 4, Passenger Convenience for travel-time reasons why airline travelers will opt for flights over HSR.)

The airlines could simply reduce the size of aircraft and maintain similar service frequencies. The result would be no reduction in airport expansion requirements. At the most, it is likely that airlines would only modestly reduce their frequencies, as indicated by the case of Air France in the Paris–Marseille market or the continuing strong service frequencies in the Tokyo–Osaka market. Thus, it is optimistic to assume that any reduction in the number of flights would be proportional to the share of passengers that might be diverted to HSR.

Moreover, in California, the small number of non-stop express trains between major markets (San Francisco, San Jose, Sacramento, Los Angeles and San Diego) would present a major competitive disadvantage for HSR.

CHSRA Ignores Future Airline/Aviation Efficiencies

The CHSRA treats the commercial aviation system as if it is static—as if efficiencies to enhance capacity are impossible. Specifically, the CHSRA fails to consider potential improvements in air traffic control (ATC), which could materially increase airport capacities. For example, use of Required Navigation Performance (RNP) technology could boost the operational capacity of San Francisco International Airport by as much as 54 percent over current bad weather capacity without constructing another runway—a significant feat.⁴¹³ Moreover, capacity increases will come about during good weather through increased runway capability as the Next Generation ATC system uses RNP and other new technologies.⁴¹⁴ The impact of these improvements is not recognized in the CHSRA airline projections.

The CHSRA does not consider the possibility that Palmdale Airport could become the principal international airport for the Los Angeles area, as is preferred by the metropolitan planning organization.⁴¹⁵ From 2010 to 2020, the Regional Aviation Plan calls for Los Angeles World Airports to provide financial support to Palmdale and Ontario airports to construct new facilities and establish long-haul and international service through attractive pricing arrangements and other inducements.⁴¹⁶

Such developments could allow transfer of flights from Los Angeles International Airport (LAX) to Palmdale, which has two runways capable of servicing the largest commercial aircraft. This

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would create significant new capacity at LAX. A higher volume Palmdale airport could be served by advanced transportation alternatives, such as highway tunnels or maglev.⁴¹⁷

The metropolitan planning organizations in San Diego and Los Angeles areas are considering development of maglev to serve new or expanded airports that are somewhat distant from present population centers (e.g., Imperial Valley for San Diego and Palmdale for Los Angeles).⁴¹⁸ Thus, airport plans generally anticipate meeting the new demand for airline service, with or without HSR. It is thus unreasonable to presume that HSR would have any serious impact on the necessity for expanding airport facilities.

Airport expansion is more difficult in the San Francisco Bay Area, where regional plans anticipate the need to expand the number of runways. However, these plans do not consider HSR to be a material factor, noting that HSR “would not divert enough passengers to make up for the shortfall in runway capacity.”

High Speed Rail has been evaluated based on the alignment and results of work conducted by the California High Speed Rail Authority. The primary benefit would be the diversion of travelers flying to major Southern California airports, and a secondary benefit would be for passengers flying on commuter flights to the Central Valley cities. Even with the large diversion of air passengers predicted by the Rail Authority (35% to 56%), we found that the projected runway demand at SFO would only be reduced 4-7%, due to the large number of SFO flights not associated with the California market. Additionally the diversion of passengers from flights to the Central Valley would be limited because the only city on the alignment with significant flight activity would be Fresno. Finally, it is possible that the airlines would compete more effectively with fares than assumed in the HSR report.⁴¹⁹

Based upon the international experience and the conditions in the California markets, it seems unlikely airline operations directly related to the HSR market would be materially reduced. Moreover, any such diversion would transfer generally more affluent passengers from a largely unsubsidized mode of transport to subsidized HSR.

The relatively small overall impact, combined with the determination of local authorities to meet airline demand, and new capacity created by operational improvements would make it unnecessary to materially expand airports any more if HSR is not built than if it is. Finally, as indicated above, the fraction of runway use affected by HSR would not change while growth in other air markets will continue, meaning that California will still need more airport capacity.

Conclusion

The costs of the CHSRA highway and aviation “alternatives” are highly exaggerated. If the system were built, diversion of traffic from the highways and airports would be imperceptible. In fact, meeting the demand that would otherwise be switched to HSR would require much less investment compared to the cost of HSR. The assertion that the Highway and Aviation Alternatives to HSR

will cost \$82 billion is highly inflated and based on documentation that contains dubious assumptions and fundamental flaws. Examples include the CHSRA proposing far more highway construction than is necessary to accommodate the demand. Moreover, the CHSRA treats the commercial aviation system as if it is static—as if efficiencies to enhance capacity are impossible.

The diversion factor from air is overestimated. The CHSRA assumes that airlines will cancel a large share of the flights within California because passengers will have switched to HSR—and the diversion will free up airport capacity and make it possible to avoid costly airport expansions. This is not the experience even on the premier Japanese and French systems, which shows that strong air markets remain after HSR corridors are in operation. The CHSRA’s analysis of the Highway and Aviation Alternatives appear to be of little value in genuine cost analysis or in evaluating future roadway and airport expansion needs.

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Part 6

High Speed Rail and Greenhouse Gas Reduction

One of the most important selling points of HSR has been its claimed potential to reduce CO₂ emissions. The data indicates otherwise. The cost per ton of CO₂ removed by HSR is projected to be between 39 and 201 times the international IPCC ceiling of \$50. HSR has been greatly oversold for its CO₂ emission reduction potential. The reality is that HSR's impact on CO₂ would be inconsequential while being exorbitantly costly.

California state law requires significant greenhouse gas (GHG) emission reductions. Highway and air transportation produce greenhouse gases, especially carbon dioxide (CO₂), which is the principal greenhouse gas.⁴²⁰ HSR is routinely cited, both in California and internationally as a very effective way of reducing CO₂ emissions. In one document, CHSRA refers to HSR as “earth friendly” and claims that it will reduce CO₂ emissions from highways and air transportation by 12.4 billion *pounds* (this is 5.7 million metric tons).⁴²¹ A CHSRA presentation to a California Senate committee predicted that HSR would reduce CO₂ emissions 8.7 million tons in 2030 and that this amount “meets almost 50 percent of AB 32 greenhouse gas reduction goal.”⁴²² In fact, the recently emerging data from CHSRA shows the HSR CO₂ emission impact to be slight (3.1 million tons) at best, and this analysis shows the cost of such reduction to be anything but a bargain.⁴²³

In short, CHSRA's own data indicates that the CO₂ emission reduction benefits of HSR have been exaggerated. Even the CHSRA's corrected CO₂ emission reduction projection of 3.1 million annual tons are above those derived from the California Air Resources Board of 2.5 million tons and those estimated in this report, at between 0.6 and 1.8 million tons (described below under “Analysis of Emissions Reduction Scenarios”).

International (IPCC) Ceiling

While there is wide agreement that CO₂ emissions must be reduced, there is also concern that efforts to reduce CO₂ emissions must be cost effective. Overly expensive CO₂ reduction strategies have the potential to reduce economic growth, increase unemployment and increase poverty levels.

Thus, to merely quantify a reduction of CO₂ from a particular strategy is not the end of the analysis, it is only the beginning. The fundamental questions relate to how much *in the context of overall emissions* would HSR reduce emissions and, even more importantly, *at what cost*. Any strategy for reducing CO₂ emissions needs to be subjected to a cost test. As is indicated below, no such test was applied by the CHSRA, which in light of California's world policy leadership in CO₂ emission reduction seems unusual.

The generally accepted maximum ceiling for assessing greenhouse gas emissions is \$50 cost per metric ton⁴²⁴ of CO₂ removed, as noted in the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment report.⁴²⁵ According to IPCC, between \$20 and \$50 per ton is the maximum amount necessary to accomplish deep reversal of CO₂ concentrations between 2030 and 2050. It is reasonable to suggest that any strategy that would cost more than \$50 per ton is questionable, even extravagant and likely to contribute to unnecessary economic and social disruption.⁴²⁶ Moreover, a recent report by McKinsey & Company and The Conference Board indicates that strategies are available for substantially reducing CO₂ emissions at less than \$50 per ton⁴²⁷ and an average of \$17 per ton.⁴²⁸

*The United States could reduce greenhouse gas emissions in 2030 by 3.0 to 4.5 gigatons of CO₂e ... at marginal costs of less than \$50 per ton, with the average net cost to the economy being far lower if the nation can capture sizeable gains from energy efficiency.*⁴²⁹

A 3.0 to 4.5 gigaton reduction (3,000,000,000 to 4,500,000,000 tons) would amount to from 42 percent to 63 percent of 2006 national emissions levels.⁴³⁰ Thus, any strategy that costs more than \$50 per ton of CO₂ removed can be generally considered too costly, likely to impose undue burdens on the economy (including the expansion of unemployment and poverty because they are associated with slower economic growth). Indeed, strategies that substantially exceed the \$50 per ton standard can be classified as excessively expensive.⁴³¹ With regard to GHG reduction, HSR would be considered a rational strategy if its cost per ton of GHG reduction is below \$50 *and* there are not sufficiently less expensive strategies to achieve GHG reduction goals.

Evaluating the CHSRA Claims

Autos and SUVs and airplanes emit CO₂ in direct proportion to their fuel consumption. At the same time, HSR is responsible for an increase in CO₂ emissions to the extent that power production for HSR produces CO₂ emissions.⁴³² Different methods of power production are responsible for CO₂ emissions in highly variable amounts. Nuclear power and hydro-electric power emit virtually no CO₂, while coal and fossil-fuel power production produce large amounts of CO₂ emissions. HSR will reduce CO₂ emissions to the extent that the increases in CO₂ emissions for which it is responsible are less than the decline in CO₂ emissions HSR induced in auto, SUV and airplane operations.

There are serious difficulties with the CHSRA CO₂ reduction claims. As has been noted with other project data, considerable variation exists in the numbers used by CHSRA for CO₂ reduction.⁴³³

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The CHSRA CO₂ reduction claims are considered high in the following ways.

- The data in the CHSRA CO₂ analysis fails to take any account of the significant and widely anticipated improvements in personal vehicle (cars and sport utility vehicles) fuel economy. This is important, because there is a direct relationship between fuel use and CO₂ emissions.
- The CO₂ analysis is based upon a statewide traffic reduction analysis that is much higher than would be indicated by CHSRA's own roadway segment analysis.

Future Fuel Economy

The CHSRA analysis assumes no improvement in personal vehicle fuel economy between 2005 and 2030. In fact, however, substantial improvements in personal vehicle fuel economy have been foreseeable for some time. The effect of the CHSRA under-estimation of fuel economy is to produce a significantly higher CO₂ beneficial impact for HSR, which exaggerates HSR's purported environmental benefits.

By the time of the NCEIS, California had adopted strong, improved fuel economy standards for highway vehicles for 2020. However, because the California Air Resources Board (CARB) had not prepared new projections for 2030, CHSRA assumed no improvement in vehicle fuel efficiency. This seems to be an insufficient justification for virtually ignoring the widely anticipated improvements in the carbon intensity of autos and SUVs. The CHSRA concedes that fuel efficiency improvements *could* lessen the energy purported energy advantage of HSR:

*The magnitude of the expected annual operational energy savings resulting from the HST system could also be lower ... given the possibility of automobile fuel efficiency improvements.*⁴³⁴

If CHSRA felt that it must wait for the lead of CARB, it certainly could have provided a scenario with alternative projections that attempted to quantify the fuel economy improvement, something this Due Diligence Report does. The CHSRA's failure to include a reasonable estimate of future vehicle fuel economy renders its estimates of CO₂ reduction highly exaggerated and inappropriate for genuine analysis.

More recently the implementation of the California fuel economy standards has been suspended by the failure of the U.S. Environmental Protection Agency (EPA) to grant a required waiver. Litigation is now pending.⁴³⁵ However, even the new national GHG emission reductions standards would have significantly improved fuel economy and reduced GHG emissions from a specified level of driving. Recently published projections by the U.S. Department of Energy (DOE), which are less strong than the California requirements,⁴³⁶ indicate that substantial improvements are in the offing principally as a result of the newly enacted federal energy bill.⁴³⁷ According to the DOE,

average "on the road" fuel economy for cars and SUVs in 2030 will be 21 percent improved from 2005.⁴³⁸

Similarly, CHSRA fails to assume any improvement in airline fuel efficiency, despite the fact that there is a general view that improvements will occur.⁴³⁹

Over-Estimation of Traffic Impacts

The CHSRA CO₂ analysis⁴⁴⁰ assumes a reduction in driving that is greater than would be indicated in its own projections of driving reductions on segments of roadway impacted by HSR.⁴⁴¹ As was noted above (see Part 5, Alternatives to Building the System), the CHSRA roadway segment analysis converts to a 0.6 percent statewide reduction under the CHSRA 2030 Base Ridership Projection, though it could be slightly higher if off-peak automobile diversion is greater than peak. This is well below the 2.3 percent statewide traffic reduction projection offered by CHSRA.⁴⁴²

If the roadway segment traffic projections are reasonably accurate, the CO₂ analysis significantly overstates emissions reduction and, again, exaggerates HSR's purported environmental benefits.

Analysis of Emission Reduction Scenarios

This Due Diligence Report presents four CO₂ emission reduction scenarios (Table 19).⁴⁴³ The first two scenarios are based upon the CHSRA 2030 projection of a 3,060,000-ton reduction in CO₂ emissions.⁴⁴⁴ This figure is reduced in this Due Diligence Report to account for the widely anticipated fuel economy improvements that are predicted for 2030 by the DOE. The third and fourth projections assume the Due Diligence base ridership projection. The cost analysis includes the 2030 consumer cost (fares) of HSR and the annual capital costs not covered by fares. The net cost is obtained by reducing these gross HSR costs by the annual cost of attributable roadway expansions (that would largely be delayed for less than two years) and the consumer cost savings for air fares and auto use.⁴⁴⁵

Each of the scenarios uses the CHSRA assumption in HSR attributable CO₂ increases. According to CHSRA, 2,400,000 additional tons of CO₂ would be emitted for electricity generation with HSR than without HSR.⁴⁴⁶ This may seem surprising, given the sometimes repeated claims that HSR does not emit CO₂. HSR can be largely carbon neutral if all of the electric power used in its service area is generated by hydro-electric or nuclear facilities. That, however, is not the case in California, and the CHSRA estimates appear to account for that, noting that 58 percent of in-state electrical generation in 2005 came from natural gas and coal.⁴⁴⁷ The results are as follows (Table 19):

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Table 19: CO ₂ Projection Scenarios				
	CO ₂ Projection Scenario 1: Optimistic	CO ₂ Projection Scenario 2: Optimistic-Middle	CO ₂ Projection Scenario 3: Pessimistic-Middle	CO ₂ Projection Scenario 4: Pessimistic
Ridership Assumption	CHSRA Base	CHSRA Base	Due Diligence Base	Due Diligence Base
Capital Costs	CHSRA	Due Diligence Low	Due Diligence Low	Due Diligence High
Operating Cost	CHSRA	Due Diligence Low	Due Diligence Low	Due Diligence High

CO₂ Projection Scenario 1: Optimistic. Scenario 1 assumes that CHSRA's capital and operating cost projections will not inflate further and that ridership will equal the CHSRA base projection. Based upon CHSRA CO₂ reduction data, adjusted to account for anticipated improvements in highway and airline fuel economy, it is projected that HSR would reduce CO₂ emissions 1.77 million tons annually in 2030. This converts to an annual cost per ton of CO₂ removed of \$1,949 in 2030 (2008\$).⁴⁴⁸ This is 39 times the IPCC ceiling and 115 times the McKinsey average cost per ton removed.

CO₂ Projection Scenario 2: Optimistic-Middle. Scenario 2 assumes that CHSRA's capital and operating cost projections will rise at the Due Diligence low overrun projections (30 percent and 20 percent) and that ridership will equal the CHSRA base projection. Based upon CHSRA CO₂ reduction data, adjusted to account for anticipated improvements in highway and airline fuel economy, it is projected that HSR would reduce CO₂ emissions 1.77 million tons annually in 2030. This converts to an annual cost per ton of CO₂ removed of \$2,409 in 2030. This is 48 times the IPCC ceiling and 142 times the McKinsey average cost per ton removed.

Summary of CO₂ Optimistic Projection Scenarios. The mid-point between the two optimistic projection scenarios would be a \$2,179 per ton. This results in a mid-point 44 times the IPCC ceiling and 128 times the McKinsey average cost per ton removed.

CO₂ Projection Scenario 3: Pessimistic-Middle. Scenario 3 assumes that CHSRA's capital and operating cost projections will rise at the Due Diligence low overrun projections (30 percent and 20 percent) and that ridership will equal the Due Diligence base projection. Based upon CHSRA CO₂ reduction data, adjusted to account for anticipated improvements in highway and airline fuel economy, it is projected that HSR would reduce CO₂ emissions 0.63 million tons annually in 2030. This converts to an annual cost per ton of CO₂ removed of \$7,409 in 2030. This is 148 times the IPCC ceiling and 436 times the McKinsey average cost per ton removed.

CO₂ Projection Scenario 4: Pessimistic. Scenario 4 assumes that CHSRA's capital and operating cost projections will rise at the Due Diligence high overrun projections (70 percent and 50 percent) and that ridership will equal the Due Diligence base projection. Based upon CHSRA CO₂ reduction data, adjusted to account for anticipated improvements in highway and airline fuel economy, it is projected that HSR would reduce CO₂ emissions 0.63 million tons annually in 2030. This converts

to an annual cost per ton of CO₂ removed of \$10,032 in 2030. This is 201 times the IPCC ceiling and 590 times the McKinsey average cost per ton removed.

Summary of CO₂ Pessimistic Projection Scenarios. The mid-point between the two pessimistic projection scenarios would be a cost of \$8,721 per ton. This results in a mid-point 174 times the IPCC ceiling and 513 times the McKinsey average cost per ton removed.

Carbon Neutral Electricity? Even if the electricity consumed in California were 100 percent efficient—that is if there were no transmission or generation losses with their attributable GHG emissions—HSR would still be a very costly strategy for reducing GHG emissions. If, as a result, there were no GHG emissions from HSR and HSR's GHG impact was only to reduce highway and aviation GHG emissions, the cost per ton removed would be \$827 to \$2,086. This is between 17 and 42 times the international IPCC ceiling of \$50 per ton.

Table 20: HSR CO ₂ Emission Reduction & Costs of Reduction: 2030 Analysis Based Upon CHSRA Data				
	Projection Scenario 1: Optimistic	Projection Scenario 2: Optimistic-Middle	Projection Scenario 3: Pessimistic-Middle	Projection Scenario 4: Pessimistic
ANNUAL COST ELEMENT (Billions)				
Gross HSR Costs	\$6.69	\$7.51	\$6.27	\$7.87
Highway Construction Savings	(\$0.11)	(\$0.11)	(\$0.04)	(\$0.04)
Highway & Air Savings (Fares)	(\$3.13)	(\$3.13)	(\$1.56)	(\$1.56)
Total	\$3.45	\$4.26	\$4.67	\$6.32
Total CO ₂ Annual Tons Removed: 2030	1,770,000	1,770,000	630,000	630,000
Cost per Ton Removed	\$1,949	\$2,409	\$7,409	\$10,032
Midpoint		\$2,179		\$8,721
Times \$50 IPCC Ceiling	39	48	148	201
Midpoint		44		174
Times \$17 McKinsey Average	115	142	436	590
Midpoint		128		513
Costs in billions of 2008\$				
Gross HSR costs include consumer expenditures plus any annual capital cost not covered by fares.				
Highway Construction costs are from "Alternatives to Building the HSR System."				
Highway and air savings are consumer expenditures on highway and air travel.				
Note: CHSRA data adjusted to account for improved roadway vehicle fuel economy by 2030.				

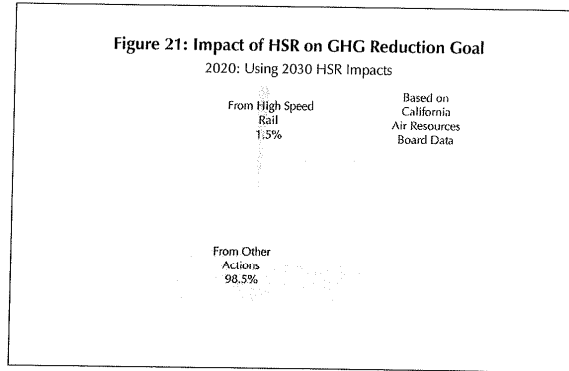
The California Air Resources Board Analysis: In its recently released "Scoping Report," CARB estimated the GHG emission reduction potential of HSR at 1,000,000 tons in 2020.⁴⁴⁹ Insufficient details were provided to determine whether the CARB estimate was based upon the CHSRA 2030 Base Ridership Projection or the High Ridership Projection.

CARB estimates that by 2020, HSR will have achieved 40 percent of its projected 2030 ridership. On that basis, the CARB projection would rise to 2,500,000 tons⁴⁵⁰ in 2030, a figure similar to this Due Diligence Report's estimate for the CHSRA 2030 High Ridership projection reduction.

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Moreover, a reduction of 2,500,000 tons of CO₂ is inconsequential, especially in view of the costs. CARB estimates indicates that it will be necessary to reduce GHG emissions 169,000,000 annual tons in California by 2020. HSR would represent barely 0.5 percent of that reduction in 2020. If the 2030 figure is used, HSR's contribution would rise to 1.5 percent (Figure 21). Indeed, the annual net increase in expenditures on HSR in the most optimistic scenario above (\$3.45 billion) is greater than the amount that would be required to accomplish the 169,000,000 ton GHG reduction at the \$17 average cost per ton in the McKinsey report (above).



Costs of CO₂ Emissions Reductions in Context. The inconsequential contribution of HSR to the California GHG reduction goal would be achieved at great cost.

- Assuming the most optimistic figures (Scenario 1), the HSR cost per ton of CO₂ removal is nearly 40 times the IPCC ceiling of \$50 per ton and nearly 200 times the price of carbon offsets now for sale and being purchased by leading California political officials.
- Assuming the least optimistic figures (Scenario 4), if the HSR cost per ton of CO₂ removal were used for the entire 169,000,000 metric ton California objective, the total cost would be more than the current California gross state product (\$1.8 trillion). If the nation were to reduce CO₂ emissions by 3,000,000 tons (consistent with the McKinsey report)⁴⁵¹ at the same cost per ton as HSR, the total annual cost would be 2.5 times the present gross domestic product of the United States (\$33 trillion). Obviously, reducing CO₂ emissions at this cost would decimate the economy and increase both unemployment and poverty.
- HSR's impact on CO₂ emissions is so inconsequential that a similar reduction would be achieved by a statewide 0.5 mile per gallon improvement in car and SUV fuel economy in

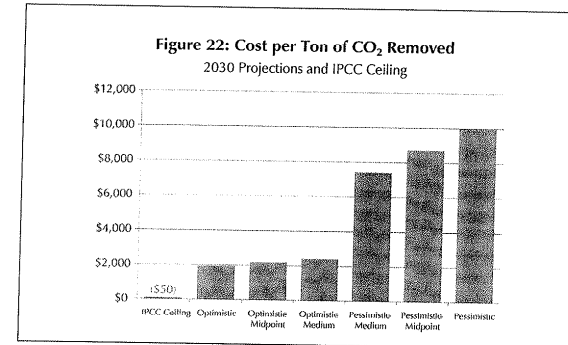
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2030. This is less than the apparent improvement in national new auto and SUV fuel efficiency between the first six months of 2008 and 2007, based upon an analysis of the 20 leading vehicle models (10 autos and 10 SUVs).⁴⁵²

HSR Construction-Related GHG Impacts

Construction of the HSR system will also produce GHG emissions. Planning documents indicate that the energy required to build the system would be "paid back" by 3.8 years of energy savings.⁴⁵³ However, the documents do not convert that analysis to GHG emissions, which again seems unusual given California's policy leadership in GHG policy.

While there is no analysis of construction-related GHG emissions, if the "payback" period on GHG emissions were equal to the energy payback period, then from 3.8 years (under the CHSRA 2030 Base Ridership Projection) to more than 11 years (under the Due Diligence 2030 Base Ridership Projection) could be required. This would materially reduce the already modest GHG reduction impacts of HSR and increase the cost per GHG ton removed to substantially above its already enormously expensive level.



Insufficient Disclosure

The CHSRA claim, made to the state Senate Transportation and Housing Committee, that HSR would achieve nearly 50 percent of the state GHG reduction goal was thus exaggerated by at least 30 times.⁴⁵⁴ The newly published CHSRA annual CO₂ emissions reduction figure of 3,060,000

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metric tons is 65 percent below the 8.7 million tons claimed in the CHSRA materials provided to the Senate committee. Moreover, the recently released CARB GHG estimate of 2.5 million tons is 70 percent below the figure provided to the Senate committee. CHSRA has characterized the errors that required this revision as “technical corrections.” In fact, the errors were far more serious than could be rationally characterized as technical corrections.⁴⁵⁵ It would seem that full and open disclosure would require CHSRA to notify the Senate committee of these material differences.

In view of the extent to which the CHSRA has been promoting HSR as an effective means of GHG emission reduction, the interest of the state in GHG reduction, and the interest of the Senate committee in objective information, it would seem that the Authority had an obligation to notify the public much more directly of this massive change in impact and not merely to characterize the change in terms of “technical corrections.” As of the publication deadline for this report, there was no indication that CHSRA had provided such notification to the Senate committee.

Other Emissions

The underestimation of fuel economy also renders the CHSRA criteria pollution projections of no value. These factors would inflate CO, NOx, TOG and PM pollution projections far beyond any reasonably achievable level.⁴⁵⁶

Conclusion

The impact of HSR on GHG reduction is both inconsequential and costly. The cost per ton of reducing CO₂ by HSR is exorbitant—projected by this Due Diligence Report to be between 39 and 201 times the IPCC ceiling of \$50. Based upon CARB projections, HSR appears to be an inordinately costly CO₂ emission reduction strategy and cannot be legitimately included as an element of a rational strategy for reducing GHG emissions.

In view of the under-estimation of automobile fuel economy and the untenable traffic impact projections in the statewide traffic analysis, CHSRA’s claims are considered specious. There is a need for an objective, independent assessment of HSR’s CO₂ impacts, including both operations and construction. Until such an analysis is completed, CHSRA should cease making any statements about CO₂ or other air quality impacts.

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Part 7

Community Considerations

Public opposition that is beginning to emerge is likely to spread as site-specific urban, suburban and rural impacts become better understood by citizens, community organizations and public officials. It is unlikely that the California high-speed rail program will find smooth sailing among impacted communities.

Potential Opposition

Planning has been cancelled for several high-speed rail projects in the United States and public opposition has been a major contributing factor. The impact of the proposed California system cannot be fully understood at this stage of the planning process. The Authority’s documentation recognizes that planners will more thoroughly understand impacts later in the process:

Most of the potential impacts associated with the implementation of the proposed [HSR] system are highly site-specific in nature. These site-specific issues would be addressed during subsequent project level environmental review, based on more precise information regarding location and design of the facilities proposed. . . . Only after the alignment is refined and the facilities are fully defined through project level analysis, and site-specific avoidance and minimization efforts have been exhausted, would specific impacts and mitigation measures be addressed.⁴⁵⁷

Once such site-specific impacts have been identified, opposition is likely to build among affected citizens, community organizations and public officials. The greater the impact, the greater the opposition. Objections typically are raised when the HSR system runs the risk of:

- Increasing noise and disrupting the quality of life, particularly in residential areas and near schools.
- Creating new physical barriers such as sound walls, overpasses and trenches that result in a physical disruption to community cohesion.
- Provoking a decline in property values because of noise or the above physical barriers, which can limit visibility or be unsightly.

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- Using eminent domain proceedings to take homes, businesses and agricultural lands from unwilling owners.
- Constructing rail lines that split farm lands and ranches in the Central Valley, a practice sometimes called “landlocking” or “severance.”
- Altering the environment of parks and wilderness areas by the noise and infrastructure associated with the project.

It is highly likely that project opponents will emerge as public understanding builds regarding local and neighborhood impacts.⁴⁵⁸

Californians may be faced with a concern that did not arise in former HSR proposals in the United States—the construction of stations that may be the longest in the world. Station designs are tied to train lengths, and this report earlier addressed the various CHSRA’s specifications for HSR train capacities, noting that the eventual design may become the world’s longest HSR train. (See Part 4, Federal Safety Standards.) Documentation is unclear whether the CHSRA has established any standard regarding the length of platforms in train stations where such trains would stop.⁴⁵⁹

The CHSRA’s planned high-capacity trains would require exceptionally elongated station platforms—nearly 1,300-feet long if designed to TGV dual-train operating standards, or more than four football fields in length.⁴⁶⁰ Moreover, the types of platforms that are outdoors would seem likely to be elevated above street level and have roofs to protect passengers from the elements. Communities may find such massive structures to be visually intrusive and objectionable along with trenches and “Berlin Wall” structures such as sound walls and overpasses.

What follows below are accounts of initial resistance to the current HSR project in the San Francisco Bay Area, reasons why opposition may build in the Central Valley, and an example of concerns in Southern California, particularly in Orange County.

The Emerging Bay Area Opposition

Concerns over how land is used in urban and suburban areas generates citizen interest, which can turn into opposition if plans are unsatisfactory. The Authority is aware of this, as noted in its EIR/EIS:

Assessment of potential property impacts is based on the types of land uses adjacent to the particular proposed alignment alternative, the amount of right-of-way potentially needed due to the construction type, and the land use sensitivity to potential impacts. Impacts include potential acquisition, displacement and relocation of existing uses, or demolition of properties.⁴⁶¹

The issue of “land use sensitivity” has already generated community resistance. For example, the city of Pleasanton has express concerns about HSR because of right-of-way constraints,

incompatibility with single-family residential neighborhoods, the aesthetic effects of elevated structures, and noise and vibration.⁴⁶² Livermore and Fremont have similar concerns. In the debate over routing, the Sierra Club recently reiterated its support for the Altamont option, which includes these communities.

On the Caltrain Peninsula commuter line, HSR construction would mean building overpasses or underpasses to separate the existing tracks from the local roads.⁴⁶³ Public officials have criticized the plan, with an Atherton councilman saying that it is difficult to see the benefits of high-speed rail to his town.⁴⁶⁴ A Menlo Park official went so far as to declare high-speed rail a “disaster.”⁴⁶⁵ In August 2008, a lawsuit was filed to challenge the CHSRA’s environmental reviews that failed to disclose the UPRR’s objections to the use of its right-of-way—the consequences of which may be to relocate the HSR line in ways that divide existing communities—and understated the impacts of building a line through Pacheco Pass.⁴⁶⁶ The CHSRA’s responses included a comment by Board Member Rod Diridon that if the bond measure passes, the high-speed train system will override local objections.⁴⁶⁷

Southern California

Tustin was a hotbed of opposition to the first bullet train proposed in the 1980s⁴⁶⁸ and skepticism toward HSR remains today. Beginning in 1999, the city of Tustin opposed designs by the CHSRA to convert the existing railroad line into a high-speed route.⁴⁶⁹ In a 2004 letter, Tustin officials reminded the CHSRA:

Tustin remains concerned that the proposed [HSR] system will have significant and unavoidable adverse noise, vibration, safety, aesthetic and traffic impacts on adjacent properties. . . . The burden of these impacts on existing residential areas of our community outweighs any potential benefits to our community.⁴⁷⁰

The letter noted that in studies the CHSRA applied “standard growth rates” to the local traffic analysis, but that adjacent roads serve new developments and the estimates were probably inaccurate. Indeed, Tustin’s biggest growth is occurring on property immediately adjacent to the right-of-way that would be included in the HSR system. The former Tustin Marine Corps Air Station is being converted to a mixed-use development named Tustin Legacy, and construction is moving ahead on 4,600 homes located near the tracks.⁴⁷¹ The master development plan for the area calls for two new elementary schools and one new high school.⁴⁷² Also in progress on the former base is a 1.1 million square-foot center featuring retail, entertainment and resort hotel properties, which is named The District at Tustin Legacy.

The CHSRA is aware of the skepticism, acknowledging that “The City of Orange raised concerns regarding potential property, community, and land use impacts adjacent to rail corridor and the City of Tustin submitted comments opposing [high-speed rail] service through Tustin (between Anaheim and Irvine).”⁴⁷³ The Authority said that more detailed environmental analysis and engineering would be required to determine whether Orange County cities would support service

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south of Anaheim. (For a review of a failed 1980s proposal to build a Los Angeles–San Diego high-speed line, see Part 3, United States Experience.)

Central Valley Agricultural Lands

The Authority admits that “farmland severance,” the division of one farmland parcel into two or more areas by the placement of the rail line, are potential outcomes of HSR construction through the Central Valley.⁴⁷⁴ The Authority preliminary identified these agricultural land locations on routes out of San Francisco that could be affected:⁴⁷⁵

- Along the route from the East Bay to the Central Valley via alternative routings that include Tracy, Lathrop and Manteca.
- The San Jose to Central Valley alternatives, which include significant areas where “the potential for severance impacts is greatest.”
- Generally in the San Joaquin Valley, “the addition of an alignment alternative in or adjacent to existing rail or roadway corridors still could lead to limited severance of farmland as a result of greater restrictions on crossing of the corridor.”

In areas on the route from Sacramento to Bakersfield, the system when not adjacent to existing rail corridors would require new alignments traversing farmland areas with the potential to sever the vast majority of parcels traversed due to the curving nature of the alignments.⁴⁷⁶ The reluctance of the UPRR to sell rights-of-way to the Authority, as mentioned previously, could expand the number of severances beyond what was identified in earlier studies.

It is difficult for agricultural communities to evaluate potential impacts because HSR plans are not firm. The CHSRA states, “Parcel-specific information was not considered in this program-level analysis. Project-level farmland severance impacts would be addressed in subsequent project-level documents.”⁴⁷⁷ At that point, agricultural communities will be in a better position to evaluate the HSR systems’ potential impacts.

Another factor not generally recognized in rural areas is the noise produced by high-speed trains. Segments from Stockton and Tracy and most of the line through Pacheco Pass are planned for operation at between 200 mph and 220 mph, with trains continuing at those speeds all the way to Bakersfield. Other sectors such as Sacramento–Stockton, Bakersfield–Sylmar and Riverside–Escondido are slated for trains to run at between 150 mph and 200 mph. Since speeds will vary for non-stop trains rolling through stations, it is difficult to estimate what level of noise would occur. However, when the mainline speeds approaching and leaving the station are high—more likely in rural areas—when a train passes through without stopping the noise level will be high. That is because Senate Bill 1856 requires infrastructure to be built so that non-stop trains “shall have the capability to transition intermediate stations, or to bypass those stations, at mainline operating speed.”⁴⁷⁸

Conclusion

Public opposition that is beginning to emerge is likely to spread as site-specific urban, suburban and rural impacts become better understood. It is unlikely that the California high-speed rail program will find smooth sailing among impacted communities. This finding is based in part on nascent opposition to the project. Opposition to prior HSR projects has been based on underestimated costs, overestimated ridership, eminent domain and environmental impacts. Also, the credibility of HSR promoters waned as pledges of “no subsidy” or “only low subsidies” turned into requests for high subsidies. These factors also are weaknesses that this Due Diligence Report identifies in the CHSRA planning process. In prior cases opponents have shown great resourcefulness in conducting sustained campaigns to oppose HSR construction. Opposition could spread, particularly in communities where train speeds and noise would be considered excessive or where a history of staunch opposition exists, such as in Tustin or San Diego County.

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Part 8

If the CHSRA Runs Out of Money

There is no serious indication of sufficient funding for much of the proposed system. Indeed, even by the most optimistic funding assumptions, there is an unfunded deficit even for Phase I. This could lead to cancellation of routes, truncated HSR service, or unpopular but more expedient re-routings. The alternative would be substantially larger and continuing taxpayer subsidies.

Public understanding is increasing that costs for the California high-speed rail project continue to escalate and gaps are widening between anticipated funding and costs. The CHSRA could be in a situation where it is unable to raise the necessary funds to cover construction even at current costs. Also, if funds are raised, they may be insufficient to cover cost escalation.

It is typical for projects such as these to cut back on routes and services in response to budgetary challenges. This has already begun, as is evidenced by the abandonment of the Missing Phase in current project cost projections.

A state Senate committee report issued in June 2008 noted that purchasing power of the proposed HSR rail bond has eroded. The report said if the upcoming bond proposal on the 2008 ballot were to be adjusted for inflation, the \$9 billion for HSR would need to be increased to \$13.3 billion.⁴⁷⁹

However, there is another component of cost escalation that cannot be overlooked: the probability is that costs will increase greater than the Senate Committee's prediction by a wide margin. Such a conclusion can be reached based on an extensive worldwide study of cost overruns occurring after projects got underway:

*Contractors, who are an interest group in its (sic) own right, are eager to have their proposals accepted during tendering. Contractual penalties for producing over-optimistic tenders are often low compared to the potential profits involved. Therefore, costs and risks, are also underestimated in tenders. The result is that real costs and real risks do not surface until construction is well under way.*⁴⁸⁰

Just how seriously costs can escalate was reflected earlier in this report. Calculations indicate that HSR capital costs already have grown from a 1999 figure of \$30.3 billion to a 2005 figure of \$40.5 billion to the most recent 2008 figure of \$45.4 billion (all data adjusted to 2006\$). Moreover,

segments costing as much as \$11 billion may not be included in the most recent (\$45.4 billion) figure.⁴⁸¹

Despite worldwide evidence regarding the financial risks of such a project, the CHSRA's documentation is silent on the topic. The state Senate committee report noted:

*Neither the Authority's 2000 business plan nor any of the agency's subsequent documents discuss the risks that might be associated with the project. Among the possible risks that need to be considered are construction cost increases, ridership and revenue estimates, financial capacity (including third party financing), state general fund exposure, right-of-way costs, unforeseen technological complications, and regulatory barriers (both state and federal).*⁴⁸²

It will likely be impossible under current assumptions for the state to deliver the complete statutorily required system. The Authority itself admits it has no plan to fund segments other than in the first phase, stating that, "We believe that if additional state funds appear needed for the remaining segments, it is the prerogative of the Legislature to determine the amount, source and timing of such funds, similar to its action on Phase one."⁴⁸³

Of course, statutes can be repealed by simple legislative majorities and a gubernatorial signature, and funding increases can be withheld, so the requirement for completing the entire system could be more transitory and theoretical than binding and real. Hence, this chapter will respond to concerns about inadequate financing that have arisen in failed attempts to build HSR systems between Los Angeles and San Diego and in Florida and Texas.

For example, in the case of the AHSRC's plan for a Los Angeles–San Diego line, a common question was what would happen if the line were only "half built" before funds were depleted. In Texas, where three lines were proposed, the public wanted to know if cost overruns affected the project then which section would be pulled from the plans. In Florida, environmentalists wanted to know if under-capitalization would cause re-routings and more intrusion into sensitive wetlands areas. (See Part 3, United States Experience for details on the three projects.)

A. The Phased Construction Plan

Construction is to occur in three phases, the first of which is detailed in current CHSRA documentation:⁴⁸⁴

- **Phase I.** Phase I would operate from Anaheim, through Los Angeles and across Pacheco Pass to San Jose and San Francisco. This phase would not serve Sacramento, the northern San Joaquin Valley, Oakland–East Bay and Los Angeles–San Diego.

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- **Phase II:** Phase II would add segments from Merced (or south of Merced) to Sacramento and from Los Angeles to San Diego through the San Gabriel Valley and the Inland Empire.
- **The Missing Phase:** The Oakland–East Bay to San Jose line would apparently be built after the completion of Phase II, if at all.

It is presumed that other HSR segments—the Implied Phase—would be built after the three phases above. Given the anticipated shortage of funding, there would appear to be no likelihood that this Phase would ever be built.

In the worst case, financial challenges could make completion of an operable Phase I San Francisco–Los Angeles line impossible, particularly based upon the present broad financial plan outline.⁴⁸⁵ It seems likely that any circumstance in which a substantial portion of Phase I has been completed, but with funding insufficient to complete an operable San Francisco–Los Angeles line, would lead to a campaign to complete and operate the line with additional state taxpayer funding, regardless of the amount of subsidies that would be required. At such a time, HSR might be thought of as a project “too large to be allowed to fail.”

Such a risk has been identified by a San Diego taxpayer advocate, causing him to present this hypothesis:

*The strategy by rail proponents is what I call the “hole in the ground” ploy. First get the taxpayers to approve a paltry \$10 billion bond, leaving open the ultimate cost and the remaining financing. Then, with the project started, proponents figure that the voters will reluctantly approve massive additional expenditures, on the shaky premise that “we can’t stop now.”*⁴⁸⁶

B. Skeletal System: Truncating San Francisco–Los Angeles

Should insufficient funding be available, the Phase I San Francisco–Los Angeles line could be scaled back to new HSR infrastructure limited to the section between Gilroy and Palmdale (a skeletal system). This would make it possible for high-speed trains to complete the downtown San Francisco to downtown Los Angeles route by operating at lower speeds over the existing-but-upgraded commuter rail and freight tracks between San Francisco and Gilroy and between Palmdale and Los Angeles (and perhaps to Anaheim). (See Part 4, Federal Safety Standards for concerns about HSR sharing tracks with freight trains and commuter trains.)

Given the difficult financing situation, and considering how HSR construction costs vary for different segments, such a skeletal system could well emerge. For example, it appears that approximately one-half of Phase I construction costs are attributable to the San Francisco–Gilroy and Anaheim–Los Angeles–Palmdale segments. Hence, it is possible that the Gilroy–Palmdale section of the line could be built for between \$15 billion and \$22 billion, depending on the extent of capital cost overruns.⁴⁸⁷ It would be possible to fund such a truncated line from the currently hoped-for financing sources (state bond, matching federal funding and private investment). However, as indicated in Due Diligence Financial Projections (Part 9) obtaining this even this amount of funding is likely to be difficult.

Further, the Authority has indicated that the earliest segments to be built will be in the San Joaquin Valley. The first segment includes “development of a test track from Bakersfield to Merced, regardless of whether the Altamont or Pacheco Alignment is selected. Thus, the Central Valley is served between Bakersfield and Merced for either alternative.”⁴⁸⁸

Consequently, events could develop in such a way that genuine HSR service would operate only between the peripheries of the Los Angeles and Bay Areas, namely Gilroy and Palmdale, meaning that California would have the form but not the substance of high-speed rail. The speeds on such a skeletal system would be faster than current rail services, but would fall far short of HSR standards and would provide little or no competition to airlines between the two major markets.

Because the existing Bay Area and Los Angeles rail lines are heavily utilized, the CHSRA would need to add track capacity, electrify the lines, and enhance grade-crossing protections. Even with such upgrading the HSR trains would need to mesh with the operating schedules and travel times of the commuter trains.

The skeletal system would be able to provide service between San Francisco and Los Angeles on a non-stop schedule of up to 5 hours and 30 minutes and between San Francisco and Anaheim with a stop in Los Angeles on a schedule of up to 6 hours and 15 minutes.⁴⁸⁹

Another factor relevant to the Palmdale–Los Angeles segment is that the Southern California Association of Governments (SCAG) envisages construction of a maglev train system.⁴⁹⁰ Plans include maglev lines from the Los Angeles International Airport to the Palmdale airport.⁴⁹¹ Such a development could exacerbate financial challenges for the HSR line, resulting in truncating even the Phase I operation into Los Angeles. This could result in Palmdale being the southern terminus for the HSR system with passengers transferring between it and the maglev system.

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C. Potential Line Cancellations

If the funding for Phase I appears to be speculative, funding the \$14.7 billion currently estimated cost for Phase II is even more problematic. There has been some suggestion that Phase II might be built with profits from Phase I.⁴⁹² However, it is likely that no such profits will materialize. (See Part 10, Due Diligence Projections.) Hence, Phase II construction appears unlikely unless it is virtually fully funded from tax subsidies. Phase II consists of these segments:

- **Sacramento–Merced.** This segment would meet the San Francisco–Los Angeles Phase I line at Merced and would make service possible between Sacramento and San Francisco, San Jose, Central Valley points, Los Angeles and San Diego.
- **Los Angeles–San Diego.** This segment would link San Diego with the rest of the system. Completion here could also be jeopardized for another reason—plans by SCAG to build a maglev train system between Los Angeles International Airport and the Ontario Airport. HSR documentation indicates that if this maglev line and a proposed San Diego maglev line is built, the Los Angeles–San Diego high speed rail line could be cancelled.⁴⁹³ (See Part 8, for the Case Study: Shifting the Los Angeles–San Diego Route, which is immediately below this section.)

Another potential consequence of a funding shortfall is that the CHSRA may abandon plans to serve the state's third and fourth largest metropolitan areas, San Diego and Sacramento, respectively.

Current plans by the Authority would abandon the Oakland–East Bay–San Jose route. If the latter route were not built, it would make it particularly difficult for HSR to be time-competitive with flights from Oakland to the Los Angeles area. Currently, the Oakland International Airport handles more Los Angeles-area flights than any other San Francisco Bay Area airport.

D. Case Study: Shifting the Los Angeles–San Diego Route

This section will examine the Los Angeles–San Diego route as a “case study” in what can go wrong should funding be insufficient to complete the system. Essentially two route options exist to link the two urban areas: the Inland Empire route officially proposed by the CHSRA and the Coastal Route over which existing passenger trains operate.

The CHSRA's preferred Los Angeles–San Diego high-speed route is via the Inland Empire with stops at East San Gabriel Valley (City of Industry), Ontario Airport, Riverside (UC Riverside),

Temecula Valley (Murrieta), Escondido, University City and Downtown San Diego. In 2005, the cost to complete this 160-mile section was estimated to be \$8.1 billion.⁴⁹⁴

It is conceivable that plans to build the Inland Empire line will be shelved for any of a number of reasons:

- The Authority could exhaust its capital budget while state taxpayers oppose grants from the general fund, additional bonds, or efforts to pass new funding authority through sales taxes or other mechanisms.
- The Inland Empire route presents many challenges, as noted by the Authority: “The San Diego to Los Angeles corridor is a heavily developed area that has many environmental issues that constitute concerns for the high-speed rail system.”⁴⁹⁵ Hence, cost escalations here could be greater than on rural portions in the San Joaquin Valley.
- The CHSRA had intended to build tracks along the I-15 right-of-way. In September 2008 it was revealed that planners “are going back to the drawing board to map out a new route for 20 miles of high-speed railroad tracks in North [San Diego] County.” That is because I-15 express lane construction between Escondido and Miramar will leave insufficient room for the HSR line.⁴⁹⁶
- In many cases, the CHSRA documentation indicates a preference for utilizing existing alignments owned by the UPRR where the HSR system “would be either in or immediately adjacent to the freight railroad right-of-way.”⁴⁹⁷ However, such rights-of-way will be exceedingly difficult or impossible to assemble because the UPRR stated it will not sell such property for use by the HSR system. The railroad company wants to retain its ability to meet growing demand for rail cargo transportation.⁴⁹⁸
- In August 2008, a bill passed the legislature that would increase the “maximum nonstop service travel time” on the San Diego–Los Angeles route from 1 hour to 1 hour, 20 minutes.⁴⁹⁹ This means the time advantage of the Inland Empire route has become somewhat less significant as compared with the potential of an improved Coastal Route.
- The CHSRA notes uncertainty stemming from conflicting regional plans: “The Southern California Association of Governments (SCAG) is continuing its studies aimed at [maglev] service between Los Angeles, Ontario, and Riverside. . . . Similarly, the San Diego Association of Governments (SANDAG) will be studying the potential use of Maglev technology between San Diego and Riverside. . . . Once the technology is defined in more detail, if the need remains for the California HST network to serve this area, then the Authority should consider a staging strategy that addresses the defined system and service needs” (emphasis added).⁵⁰⁰ Moreover, the FRA determined that “The similar and extensive level of investment necessary to implement either the [HSR] system or maglev network makes construction of both unlikely in common corridors serving the same travel markets.”⁵⁰¹

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Even if it is assumed that the maglev lines are not built, it is conceivable that the Inland Empire line will not be constructed due to lack of funding. However, the Authority may view service to San Diego as part of its continuing mission. Also, public officials in Orange and San Diego counties who experience tax dollars flowing from their areas to build HSR elsewhere may demand some type of HSR service.

It is at this point that the CHSRA may revive plans to operate high-speed trains over an in-place rail alternative—the Coastal Route. This is the line that was proposed by the AHSRC in the 1980s via Fullerton, Anaheim, Tustin, San Juan Capistrano, San Clemente, Oceanside, Encinitas and Del Mar.⁵⁰² The CHSRA has studied and has much data regarding the Coastal Route.

The CHSRA has recognized that a dedicated Los Angeles–San Diego system using the Coastal Route with completely separate tracks would present challenges because of severe constraints, construction issues, high costs and previous opposition. The Authority also is aware of the considerable environmental impacts inherent along the Coastal Route: “Although the corridor provides the most direct rail route between Los Angeles and San Diego, it passes through some of the state’s most populated regions and environmentally sensitive areas (wetlands, coastal lagoons, fragile coastal bluffs, and coastal communities).”

The Authority has acknowledged that Caltrans has the responsibility for conventional (not high speed) rail improvements for the Irvine–San Diego segment.⁵⁰³ However, the CHSRA could re-open the door to high-speed trains on the Coastal Route inasmuch as it already has an inventory of environmental conditions along the line.

While the CHSRA would probably not recommend speeds up to 220 mph as it does for the San Joaquin Valley, it may well decide to operate in the 100-to-150 mph range (already proposed for segments between Los Angeles and Irvine). The required improvements are likely to be less expensive than building the all-new Inland Empire line with planned speeds of between 150 mph and 200 mph. Moreover, operating electrically powered HSR trains on the Coastal Route would permit passengers on the segment to proceed to other HSR system points without the need to change trains in Los Angeles. This is in line with the viewpoint that HSR trains can share tracks with existing services, yet branch off on high-speed segments.⁵⁰⁴

Upgrading and adding tracks will be necessary to expand capacity to handle HSR trains in addition to the Metrolink, Coaster, Amtrak, and freight trains already operating on the Coastal Route. Also, the following environmental conditions will provide challenges, as noted in the CHSRA documentation:⁵⁰⁵

- The coastal bluffs are narrow in some areas and susceptible to failure, in particular the Del Mar Bluffs. Noise and vibration from steel-wheel-on-steel-rail traffic could result in harm to the fragile bluffs above the beach.
- The existing right-of-way divides Encinitas. Additional service in the corridor could restrict access and enjoyment of the beach area for visitors and residents.

- To prevent dangerous pedestrian crossings of the tracks, the railroad rights-of-way would need to be fenced. This would restrict or block beach access and concentrate the crossing of pedestrian and vehicle traffic at fewer locations.
- Noise and vibration from trains would be disruptive to ecologically sensitive coastal areas and lagoons (e.g., San Elijo Lagoon). The saltwater marshes and lagoons are a winter habitat to residential avian species protected under state and federal laws.
- The trains would be electrified, and the structures and overhead catenaries could block ocean and community views, creating a negative aesthetic impact on tourism-related businesses and potentially reducing property values adjacent to the corridor.

The CHSRA documentation noted: “The high level of existing passenger rail, extensive existing rail infrastructure, and mixed rail traffic operations on this corridor, along with the limited existing right-of-way and sensitive coastal resources, make a dedicated electrified [HSR] service infeasible for this corridor *at this time* (emphasis added). Incremental improvement phasing, however, would be feasible. For this option, improvements would be made to the existing [coastal service]. These improvements could be applied with or without the implementation of an inland (I-15) corridor.”⁵⁰⁶

Shifting from the Inland Empire route to the Coastal Route would entail political risks. Yet that precise change has happened before. In the 1980s, the AHSRC’s original Los Angeles–San Diego plan called for using the Interstate Highway right-of-way to construct new grade-separated tracks for use by Japanese bullet trains. Nonstop travel time from Los Angeles to San Diego was estimated at 59 minutes. However, the AHSRC changed direction and began the planning necessary to build new track along the existing railroad rights-of-way on the Coastal Route.⁵⁰⁷ Admittedly, that shift away from the I-5 corridor and toward the coast contributed to public opposition and the demise of the AHSRC as a corporation.⁵⁰⁸

Environmental organizations might assume that such a change could not happen because of the difficult approval process. Yet Sacramento cased up on regulations to help the AHSRC’s Los Angeles–San Diego proposal. In 1982, state legislation passed that exempted the bullet train from having to be approved by the California Coastal Commission and with having to comply with the California Environmental Quality Act.⁵⁰⁹ A question arises whether such a measure could be considered again.

The CHSRA may find itself in the position of evaluating which route opposition is more severe—the Coastal Route or the San Gabriel Valley–Inland Empire route. Residents along the latter may find the Authority’s plan to operate trains in 100 and 200 mph range to be intolerable and may also generate concerns about noise, reduction in property values and eminent domain. Should a shift occur to the Coastal Route, the Authority could face public opposition similar to what the AHSRC experienced.

It is difficult to foresee at this time the level of public opposition on either route. However, cost factors may favor the Coastal Route because its 128-mile alignment is shorter than the 160-mile

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Inland Empire route, a virtue that even looks more favorable if the Phase I work is competed on the 31-mile segment on the coastal line between Los Angeles and Anaheim.

Current funding proposals require taxpayers statewide to subsidize HSR even though much of the state would receive no service even upon completion of the entire system. Should the CHSRA exhaust its funds, more of the state may go without high-speed rail service than is immediately apparent.

Conclusion

There is no serious indication of sufficient funding for much of the proposed system. Indeed, even by the most optimistic funding assumptions, there is an unfunded deficit even for Phase I. This could lead to cancellation of routes, truncated HSR service, or unpopular but more expedient re-routings. The alternative would be substantially larger and continuing taxpayer subsidies.

The CHSRA fails to adequately address risks in its business plan, nor does it have a financial plan to insure completion of each phase and the alternative routes. Therefore options that may appear to be extreme, such as San Francisco–Los Angeles becoming a skeletal line, canceling routes outright, or even unpopular but more expedient re-routings are not without possibility. A high risk exists that the riders, taxpayers and investors will not see a final system that resembles what has been promised and that genuine HSR service will be severely limited.

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P a r t 9

Due Diligence Financial Projections

The Phase I HSR system would be far short of its necessary funding even if the state bonds of \$9 billion are provided and federal funding is obtained. If sufficient funding is found, Phase I is likely to incur financial losses and may not be completed in recognizable form. This could lead to negative financial consequences, such as substantial additional taxpayer subsidies, private capital investment losses, and bond defaults. In this environment, it seems highly unlikely that Phase II and the Missing Phase will be built. Indeed, completion of Phase I could be problematic.

As has been noted above, CHSRA has provided only the most sketchy financial projections in its extensive planning process. CHSRA planning documents do not appear to have “profit and loss” or “income” statement estimates that include revenues, expenses, debt service and profits or losses as would be expected in any complete and serious business proposition. Even the CHSRA Lehman Brothers report¹⁰ (noted in Part 4, Analysis of California High-Speed Rail Plan, Forecasting Costs) provides only the broadest outline of potential funding sources and that only for Phase I. This Due Diligence Report contains financial projections for the HSR project based upon what appears to be the best current information.

The Financial Projections

The financial projections below are based on assumptions from the CHSRA planning process and the analysis in this report. These projections should be considered highly tentative, since the underlying information from CHSRA has been sketchy and inconsistent. Nonetheless, the projections are sufficient to conclude that there is a serious likelihood that the financing to build the HSR may simply be unobtainable, even for Phase I.

This analysis develops four scenarios, which are summarized in Table 21. The scenarios assume the following tentative funding for HSR:¹¹

- The proposed state bond of \$9 billion, which will be approved or rejected by the voters of California in November 2008.
- Private funding amounting to \$7.5 billion. This is the high-range of the Lehman Brothers estimate. It is assumed that 20 percent of the private investment would be equity (\$1.5 billion) and the other 80 percent would be bonded indebtedness, placed in the private

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market. The risk associated with the resulting \$6 billion in privately placed debt could make bond insurance¹² or even a full faith and credit guarantee of the state of California necessary.

- Combined, this financing totals \$16.5 billion.

In addition, two of the four funding scenarios assume the availability of \$9 billion in federal subsidies to match the California general obligation bonds. This is despite the fact that CHSRA advisor Lehman Brothers has characterized a similar amount as “unlikely” and that there is no material federal capital program (see Part 4, Financial Uncertainty).

Various additional funding sources have been suggested by the CHSRA, such as additional taxes and local government grants. However each of these is speculative at this point.

Table 21: Financial Projection Scenarios				
	Financial Projection Scenario 1: Optimistic	Financial Projection Scenario 2: Optimistic--Middle	Financial Projection Scenario 3: Pessimistic--Middle	Financial Projection Scenario 4: Pessimistic
Ridership Assumption	CHSRA Base	CHSRA Base	Due Diligence Base	Due Diligence Base
California General Obligation Bond (\$9 Billion)	Yes	Yes	Yes	Yes
Federal Subsidy (\$9 Billion)	Yes	Yes	No	No
Private Equity (\$1.5 Billion)	Yes	Yes	Yes	Yes
Private Debt (\$6 Billion)	Yes	Yes	Yes	Yes
Capital Costs	CHSRA	Due Diligence Low	Due Diligence Low	Due Diligence High
Operating Cost	CHSRA	Due Diligence Low	Due Diligence Low	Due Diligence High

Summary of Tentative Phase I Financial Results

Generally, Phase I results in annual financial losses (Table 21a, Figure 23 and Figure 24):

Phase I Financial Projection Scenario 1 (Optimistic). This is the most optimistic scenario. It assumes CHSRA ridership projections, assumes there will be no further cost escalation and the highest possible funding levels as currently understood (above). In 2030, there would be a small profit of \$0.09 billion (with the assumption of the subsidies from the state bonds and the federal government, which CHSRA would not be required to pay back).³¹³ It is not known how this profit would be distributed between the private equity investors and the CHSRA. However, the 6% rate of return would be less than one-half the 13% threshold³¹⁴ necessary to attract private investors.³¹⁵

This scenario falls \$7.6 billion short of the capital cost figure that would be required to build the system. Funding in excess of the anticipated state, federal and private sources would be required. However, if the state, federal and private funding anticipated under this scenario is obtained, it is

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possible that the “skeletal” system could be funded (between Gilroy and Palmdale, with entry to Los Angeles and San Francisco on upgraded commuter rail and freight rights of way, see “If the CHSRA Runs Out of Money”).

Phase I Financial Projection Scenario 2 (Optimistic: Middle). This scenario assumes CHSRA ridership projections, assumes the low Due Diligence capital (20 percent) and operating cost (30 percent) overrun projections and the highest possible funding levels as currently understood (above).³¹⁶ In 2030 there would be a loss of \$0.79 billion (with the assumption of the subsidies from the state bonds and the federal government, which CHSRA would not be required to pay back). In this scenario, it is likely that there would be a default on commercial bonds, unless they are guaranteed by the state government or privately insured. Equity investors would face losses.

This scenario, however, falls \$14.2 billion short of the capital cost figure that would be required to build Phase I. Funding in excess of the anticipated state, federal and private sources would be required.

Summary of Phase I Optimistic Financial Projection Scenarios. The mid-point between the two optimistic financial projection scenarios would be a 2030 annual loss of \$0.35 billion. The mid-point of the capital shortfall would be \$10.9 billion. This could represent an insurmountable challenge.

Phase I Financial Projection Scenario 3 (Pessimistic: Middle). This scenario assumes Due Diligence ridership projections, assumes the low Due Diligence capital (20 percent) and operating cost (30 percent) overrun projections and includes the funding sources outlined above with the exception of federal funding.³¹⁷ In 2030 there would be an annual loss of \$3.02 billion (with the assumption of the subsidies from the state bonds, which CHSRA would not be required to pay back). In this scenario, it is likely that there would be a default on commercial bonds, unless they are guaranteed by the state government or privately insured. Equity investors would face losses.

This scenario, however, falls \$23.2 billion short of the capital cost figure that would be required to build the system. Funding in excess of the anticipated state, federal and private sources would be required. As is described below, this could represent an insurmountable challenge.

Phase I Financial Projection Scenario 4 (Pessimistic). This scenario assumes Due Diligence ridership projections, assumes the high Due Diligence capital (50 percent) and operating cost overrun (60 percent) projections and includes the funding sources outlined above except for federal funding. (See Part 4, Forecasting Costs.) In 2030 there would be loss of \$4.17 billion (with the assumption of the subsidies from the state bonds, which CHSRA would not be required to pay back). In this scenario, it is likely that there would be a default on commercial bonds, unless they are guaranteed by state government or privately insured. Equity investors would face losses.

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This scenario, however, falls \$33.1 billion short of the capital cost figure that would be required to build the system. Funding in excess of the anticipated state, federal and private sources would be required.

Summary of Phase I Pessimistic Financial Projection Scenarios: The mid-point between the two pessimistic financial projection scenarios would be a 2030 annual loss of \$3.59 billion. The mid-point of the capital shortfall would be \$28.2 billion. Obtaining this additional capital could represent an insurmountable challenge.

Figure 23: HSR Phase 1 Financial Results: 2030
High, Low, and Midpoint Projections by Case

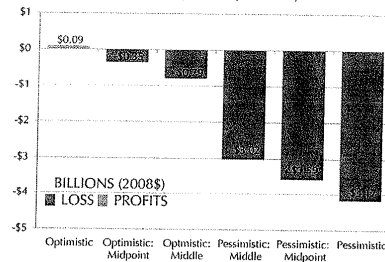


Figure 24: HSR Phase 1 Capital Shortfall
By Financial Projection Scenario

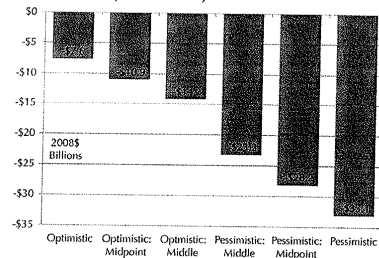


Table 21a: Phase I Financial Projections: 2030 (Annual)

	Financial Projection Scenario 1: Optimistic	Financial Projection Scenario 2: Optimistic- Middle	Financial Projection Scenario 3: Pessimistic- Middle	Financial Projection Scenario 4: Pessimistic
OPERATING STATEMENT				
Operating Revenue	\$2.31	\$2.31	\$0.83	\$0.83
Operating Cost	\$1.10	\$1.43	\$1.43	\$1.76
Net Before Debt Service	\$1.21	\$0.88	(\$0.60)	(\$0.93)
Debt Service (Including Capital Shortage, Below)	\$1.12	\$1.67	\$2.41	\$3.23
Profit (Loss)	\$0.09	(\$0.79)	(\$3.02)	(\$4.17)
Midpoint		(\$0.35)		(\$3.59)
ASSUMPTIONS				
Total Capital Cost	\$33.1	\$39.7	\$39.7	\$49.6
State Bond	\$9.0	\$9.0	\$9.0	\$9.0
Federal Grant	\$9.0	\$9.0	\$9.0	\$9.0
Private Equity	\$1.5	\$1.5	\$1.5	\$1.5
Private Debt	\$6.0	\$6.0	\$6.0	\$6.0
Capital Shortage (Additional Debt or Subsidies Required)	\$7.6	\$14.2	\$23.2	\$33.1
Midpoint		\$10.9		\$28.2
In billions of 2008\$				
Note: Scenario 1 and 2 operating revenue from RFEI documents, Appendix C. All CHSRA debt included but California state general obligation bonds of \$9,000,000,000 excluded.				

Capital Projections for the Complete Project

With the uncertainty about arranging funding for the Phase I project, it would be premature to provide a pro-forma income statement of revenues, expenditures and profits or losses for the complete project (including Phase I, Phase II and the Missing Phase, which is Oakland-East Bay-San Jose). However, general capital cost projections are offered for the same four financial scenarios as above. Separate estimates are provided for combined Phases I and II and for Phases I, II and the Missing Phase (Table 22 and Figure 25).

System Financial Projection Scenario 1 (Optimistic). This scenario assumes that there would be no further cost escalation. As regards capital costs, this scenario is based upon current CHSRA cost projections. It also assumes the highest possible funding levels as currently understood (above) would be obtained. Total capital costs would be \$49.0 billion for Phases I and II and \$54.3 billion including the Missing Phase. The capital shortfall would be from \$23.5 billion to \$28.8 billion.

System Financial Projection Scenario 2 (Optimistic: Middle). This scenario assumes the Due Diligence low capital cost escalation projection (20 percent) and the highest possible funding levels as currently understood (above) would be obtained. Total capital costs would be \$58.8 billion for Phases I and II and \$65.2 billion including the Missing Phase. The capital shortfall would be from \$33.3 billion to \$39.7 billion.

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Table 22: Complete Project Capital Costs: Phases I, II and Missing Phase				
	Financial Projection Scenario 1: Optimistic (Based on CHSRA Present Cost Projections)	Financial Projection Scenario 2: Optimistic-Middle	Financial Projection Scenario 3: Pessimistic-Middle	Financial Projection Scenario 4: Pessimistic
Phase I and Phase II				
Capital Costs	\$49.0	\$58.8	\$58.8	\$73.5
State Bond	\$9.0	\$9.0	\$9.0	\$9.0
Federal Grant	\$9.0	\$9.0	\$0.0	\$0.0
Private Equity	\$1.5	\$1.5	\$1.5	\$1.5
Private Debt	\$6.0	\$6.0	\$6.0	\$6.0
Current Capital Shortfall	\$23.5	\$33.3	\$42.3	\$57.0
Midpoint Capital Shortfall	\$28.4		\$49.6	
Potential Government Capital Subsidy	\$41.5	\$51.3	\$51.3	\$66.0
Potential Government Capital Subsidy Share	85%	87%	87%	90%
With Missing Phase				
Capital Costs	\$54.3	\$65.2	\$65.2	\$81.4
State Bond	\$9.0	\$9.0	\$9.0	\$9.0
Federal Grant	\$9.0	\$9.0	\$0.0	\$0.0
Private Equity	\$1.5	\$1.5	\$1.5	\$1.5
Private Debt	\$6.0	\$6.0	\$6.0	\$6.0
Current Capital Shortfall	\$28.8	\$39.7	\$48.7	\$64.9
Midpoint Capital Shortfall	\$34.2		\$56.8	
Potential Government Capital Subsidy	\$46.8	\$57.7	\$57.7	\$73.9
Potential Government Capital Subsidy Share	86%	88%	88%	91%
Amounts in billions of 2008\$				
Note: Potential government (taxpayer) capital subsidy assumes all debt is government except for private debt and includes both state bonds and federal subsidies.				

Summary of Optimistic System Financial Projection Scenarios: The mid-point capital shortfall between the two optimistic system financial projection scenarios would be \$28.4 billion for Phases I and II and \$34.2 billion including the Missing Phase. It is likely that this funding would need to be raised from taxpayers, since the projected losses (above) would deter further private investment.

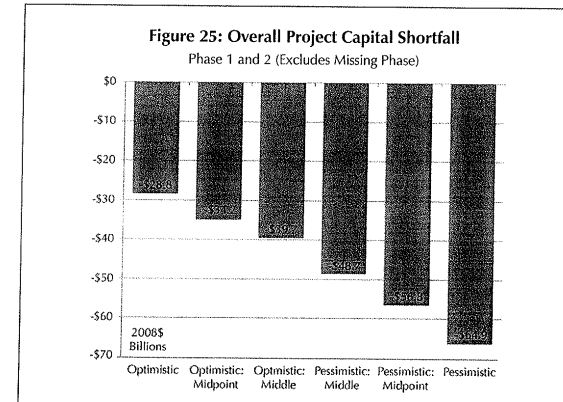
System Financial Projection Scenario 3 (Pessimistic: Middle) This scenario assumes the Due Diligence low cost escalation projection (20 percent) and assumes no federal funding. Total capital costs would be \$58.8 billion for Phases I and II and \$65.2 billion including the Missing Phase. The capital shortfall would be from \$42.3 billion to \$48.7 billion.

System Financial Projection Scenario 4 (Pessimistic). This scenario assumes the Due Diligence high cost escalation (50 percent) and assumes no federal funding. Total capital costs would be \$73.5 billion for Phases I and II and \$81.4 billion including the Missing Phase. The capital shortfall would be from \$57.0 billion to \$64.9 billion.

Summary of Pessimistic System Financial Projection Scenarios. The mid-point capital shortage between the two optimistic system financial projection scenarios would be a \$49.6 billion for Phases I and II and \$56.8 billion including the Missing Phase. It is likely that this funding would need to be raised from taxpayers, since the projected financial losses (above) would deter further private investment.

As conceived earlier in the decade, the system would have required government subsidies of approximately one-third of capital costs. As capital costs have escalated, the maximum government capital subsidies required may have increased to between 85 percent under the most optimistic CHSRA based projections to 91 percent under the most pessimistic Due Diligence Report projections.

Despite assertions to the contrary by the CHSRA, there would be no profits from Phase I to build the balance of the system (Phase II, the Missing Phase or the Implied Phase).



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The Bleak Funding Situation

As noted above, both the Phase I project and the complete project (including Phase I, Phase II and the Missing Phase) are far short of their financial requirements. The potential for private funding is limited and would become even more elusive as capital costs rise further and as financial losses become apparent. This leaves the taxpayers of California to pay for the large unfunded HSR capital deficit.

The state Legislative Analyst's Office determined the fiscal cost regarding the \$9.95 billion HSR bond proposal:⁵¹⁸

The costs of these bonds would depend on interest rates in effect at the time they are sold and the time period over which they are repaid. The state would make principal and interest payments from the state's General Fund over a period of about 30 years. If the bonds are sold at an average interest rate of 5 percent, the cost would be about \$19.4 billion to pay off both principal (\$9.95 billion) and interest (\$9.5 billion). The average repayment for principal and interest would be about \$647 million per year.

The state treasurer, in noting that budget deficits will continue to hamstring California, indicated that:⁵¹⁹

So, while we might get to the point where we have issued more debt than we can "afford," we will always pay our debt—on time every year. The ones who suffer will be the people of California, all of us who benefit from the myriad State programs—health, environmental, recreational, public safety and others—that our General Fund supports.

The situation is so serious that the treasurer indicated it might be necessary to invoke strategies such as retiring some bonds with a new statewide property tax, taxes on the internet, higher state income taxes, sales tax on services, limiting the home mortgage deduction on state income tax returns, or eliminating state support for the University of California system.⁵²⁰ A further sobering factor is the strong out-migration that has occurred from California in recent years. Between 2000 and 2007, net domestic migration was a minus 1.2 million—equivalent to the population of the city of San Diego.⁵²¹

It seems unlikely that the HSR will be built in any form materially similar to what has been promised the people of California. Even Phase I appears to be far short of the necessary funding, regardless of whether the state provides the proposed \$9 billion in bonds (Part 8, If the CHSRA Runs Out of Money). The complete system appears virtually impossible to complete, simply because the funding is so far short and the state subsidy levels that would be required seem unattainable.

Economic Impacts

Because HSR ridership is likely to be only a fraction of CHSRA projections, the long-term economic impact of the system (beyond the construction jobs) is expected to be slight, at best. This is consistent with the world infrastructure research, which finds that:

*It is common for proponents of major infrastructure projects to claim that such projects will result in substantial regional and/or national development effects. Empirical evidence shows that these claims are not well founded.*⁵²²

Project Risks

The HSR program faces a number of risks, which are summarized and rated in Table 23. The risks rated "high" are (1) ridership and revenue would fall short of projections (Risks #1 and #2), capital and operating costs would be higher than projected (Risks #3 and #4) slower travel times than projected (#5) and insufficient grant funding (#6). Risks rated "medium" include community opposition (#7) and political meddling (#8). Unforeseen environmental and geologic risks are rated "low" (Risks #9 and #10). In its analysis of risks, CHSRA consultant Lehman Brothers echoed risk concerns with respect to ridership less than projected (Risk #1), revenue less than projected (Risk #2), higher capital costs than projected (Risk #3) and political meddling (Risk #8).⁵²³

All of these risks combine to indicate that the combined HSR system is unlikely to be completed in any form consistent with the current plan and that even the delivery of a recognizable Phase I could be most difficult.

Conclusion

The CHSRA has provided only the most sketchy financial projections that fall far short of what would be expected in any complete business proposition. This Due Diligence Report attempts to provide such financial projections based on more realistic and consistent assumptions and data.

The Phase I HSR system is likely to incur serious losses and may not be completed in recognizable form. This could lead to negative financial consequences, such as substantial additional taxpayer subsidies, private capital investment losses and bond defaults. In this environment, it seems highly unlikely that Phase II, the Missing Phase or the Implied Phase will be built.

All of the HSR phases would require significantly greater financing than the initial \$16.5 billion proposed (funding from the state bond of \$9 billion that could be approved by the voters and the private investment of \$7.5 assumed). While CHSRA officials and consultants have repeated a litany of other potential funding sources, none is in place and each would represent serious challenges.

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Table 23: Summary of Risks			
#	Risk	Potential Consequences	Degree of Risk
1	Ridership Falls Short of Projection	Insufficient Revenue Higher Subsidies Investor Losses Bond Default	HIGH
2	Revenue Falls Short of Projection	Investor Losses Bond Default Higher Subsidies (federal, state, local)	HIGH
3	Construction Cost Overruns	System not Completed. Higher Capital Subsidies (federal, state, local) Discouragement of Private Capital Participation	HIGH
4	Operating Costs Above Projections	Less Favorable Financial Performance Higher Subsidies	HIGH
5	Slower Travel Times than Projected	Lower Ridership Higher Subsidies (See Risk #2)	HIGH
6	Insufficient Government Grant Funding	System not Completed (Especially Sacramento-San Joaquin Valley Los Angeles-San Diego Oakland-East Bay-San Jose) Higher State or Local Subsidies	HIGH
7	Community Opposition	Slower Operating Speeds (See Risk #2) Higher Capital Costs for Mitigation (See Risk #3) Delay (See Risk #8)	MEDIUM
8	Delays Occur from Various Other Risk Factors	Higher Costs, Especially for Interest Higher Capital Subsidies	HIGH
9	Higher Borrowing Costs	Higher Costs for Debt and as a Result Construction Higher Capital Subsidies	HIGH
10	Political "Meddling"	Additional Stations Additional Stops on Express Trains Route Changes Additional Capital Expense Additional Operating Expense Higher Subsidies Slower Travel Times Lower Ridership Levels Lower Revenue Levels (See Risks 1, 2, 3, 4, 5)	MEDIUM
11	Unforeseen Environmental Impacts	Higher Capital Costs Higher subsidies (See Risk #3)	MEDIUM
12	Unforeseen Geologic Impacts	Higher Capital Costs Higher subsidies (See Risk #3)	LOW

Summary of CHSRA and Due Diligence Projections

The CHSRA and Due Diligence Report projections are summarized in Table 24.

Table 24: Summary of CHSRA and Due Diligence Report Projections		
	CHSRA	Due Diligence Report
Annual Ridership: 2030: Base, Intercity Only	65,500,000	23,400,000
Annual Ridership: 2030: Base, Intercity + Commuter	88,000,000	No Projection
Annual Ridership: 2030: High, Intercity Only	96,500,000	31,100,000
Annual Ridership: 2030: High, Intercity + Commuter	117,000,000	No Projection
Capital Cost: Entire System (2008\$): Low*	\$54,300,000,000	\$65,200,000,000
Capital Cost: Entire System (2008\$): High*		\$81,400,000,000
Capital Cost: Phase I (2008\$): Low	\$33,100,000,000	\$39,700,000,000
Capital Cost: Phase I (2008\$): High		\$49,600,000,000
Operating Cost: Phase I (2008\$): Low	\$1,100,000,000	\$1,430,000,000
Operating Cost: Phase I (2008\$): High		\$1,760,000,000
Fastest Non-Stop Express Travel Time: LA-SF	02:38	03:41
Greenhouse Gas Reduction (Tons of CO ₂): 2030**	1,770,000	630,000
Share of California 2020 Goal	1.0%	0.4%
Cost per CO ₂ Ton Reduced: Low	\$1,949	\$7,409
Cost per CO ₂ Ton Reduced: High	\$2,409	\$10,032
Times CO ₂ IPCC \$50-per-Ton Ceiling: Low	39	148
Times CO ₂ IPCC \$50-per-Ton Ceiling: High	48	201
Net Profit: 2030: Phase I: Optimistic Midpoint	No Projection	(\$350,000,000)
Net Profit: 2030: Phase I: Pessimistic Midpoint	No Projection	(\$3,590,000,000)
Unmet Capital Need: Phase I	No Projection	\$7,600,000,000 to \$33,100,000,000
Unmet Capital Need: Entire System	No Projection	\$28,800,000,000 to \$64,900,000,000

Note:
 *Entire system cost. Includes Missing Phase. Does not include Implied Phase
 **CHSRA greenhouse gas reduction adjusted to account for improved automobile and airline fuel efficiency.

If the Implied Phase is included, at least another \$7.5 billion would be required to fund HSR segments in the Altamont Pass, the Dumbarton Bridge and between Anaheim and Irvine. This would make the gross project cost a minimum of \$61.8 billion and an estimated maximum of \$92.7 billion. The capital funding shortfall would be from \$7.5 billion to more than \$11 billion larger than indicated in Table 22.

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Conclusion

The Phase I HSR system would be far short of its necessary funding even if the state bonds of \$9 billion are provided and federal funding is obtained. If sufficient funding is found, Phase I is likely to incur financial losses and may not be completed in recognizable form. This could lead to negative financial consequences, such as substantial additional taxpayer subsidies, private capital investment losses, and bond defaults. In this environment, it seems highly unlikely that Phase II, the Missing Phase and the Implied Phase will be built. Indeed, completion of Phase I alone could be problematic.

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Part 10

Due Diligence Conclusions

The Authority's Advocacy

Senate Transportation and Housing Committee Chairman Alan Lowenthal has expressed the necessity for the CHSRA to avoid advocacy, noting that "the business plan should be modeled on an investment prospectus and not an advocacy document" in his letter to CHSRA Chairman Quentin Kopp.⁵²⁴

Yet, the Authority has acted as an advocate rather than demonstrating objectivity in planning California's high-speed rail system. This can be illustrated by a visit to the Authority's Website "Featured Items" page, which on August 9, 2008 listed the following items:⁵²⁵

- Let's Make Tracks for High Speed Rail
- Let's Put the State on Fast Track to the Future
- Believe in the Bullet Train
- Creating Jobs and Boosting Our Economy
- Improving Transportation and Reducing Traffic
- Protecting the Environment

The titles of these publications convey more of a bias than objective analysis, and their content at times present unrealistic claims.

Advocacy goes beyond the CHSRA website. Rod Diridon, a CHSRA board member, in a January 2008 radio interview, declared that "117 to 120 million riders per year will use this system So that's pretty attractive, and these are conservative estimates." In fact, it is incorrect to refer to the 117 million figure as "conservative" when it is found in the CHSRA's unrealistic 2030 High Ridership Projection and the 120 million figure is an embellishment not justified even by the documentation.⁵²⁶

Advocacy also involves altering the meaning of words. The Authority's chairman stated in June 2008 that "the high-speed rail system will operate at a profit . . . without taxpayer subsidy."⁵²⁷

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However, the state bonds, if approved would represent a taxpayer subsidy. Moreover, this report indicates that a profit is not likely.

Board member Rod Diridon also led a radio audience to believe that there are no costs to taxpayers beyond the initial bonds for the system. He stated, "once we approve the bonds for California, the general obligation bonds, no-tax-increase bonds in the November election in California, we won't have to go back to the voters in California for more money."⁵²⁸

This report finds the opposite—that it is highly likely additional funding will be required from California taxpayers because of the highly optimistic ridership and revenue projections and the fact that this highly risky HSR financial environment is likely to deter sufficient private investment. As a result, it is difficult to imagine a set of circumstances in which the taxpayers of the state will not be required to finance much more than the currently proposed \$9 billion. Even the claim of "no tax increase" bonds is debatable, since the state treasurer has said fiscal demands on the General Fund are such that it might be necessary to retire some bonds with a new statewide property tax.⁵²⁹

At the same time, the CHSRA has been less vigilant about notifying the people of California about factors that fail to portray the HSR in the best light. For example, it has been noted that the CHSRA appears to have not notified the Senate Transportation and Housing Committee of material reductions in estimates of GHG emission impacts that can be characterized as only 1/30th as significant as was claimed in materials provided to the committee earlier in the year. The previous data had been in error, though the CHSRA referred to the dramatic reduction in terms of a "technical correction."

The Authority has yet to balance issuance of its many advocacy documents with cautionary documents regarding risks. Skepticism of the CHSRA is justified considering its "demand exaggeration," a planners' trait that has been identified in other major transportation projects in world infrastructure research.

Consequences for California

The fundamental conclusion is that HSR in California as proposed is likely to fail to achieve virtually all of the projections that are crucial to its success. This report concludes that the Authority's analysis of the proposed HSR system is insufficient, inconsistent and inaccurate. The CHSRA's cost estimates have not been updated, ridership projections are inconsistent with both international experience and California market characteristics, risks are understated or ignored, and statements about future taxpayer subsidies are contradictory. Specific findings are condensed in the Executive Summary and in a separate document, the Policy Summary.

The proposed California HSR system has already experienced a series of cost estimate increases, and the need for capital subsidies is likely to escalate. Once in operation, the system as presently

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constituted is unlikely to provide the advertised quick journeys to passengers and meet its ridership and revenue projections.

The likelihood of higher capital costs and need for continued operating subsidies is likely to represent an expensive and continuing drain on the state's tax resources. Under three of the four scenarios outlined in this report, an early bond default, taxpayer bailout, and investment losses by private funding participants could occur.

During a fiscal shortfall, past and present proposals to finance HSR's construction and operation through bond issues and sales taxes—along with matching funds from the federal and local governments—could take on added urgency.

A high risk exists that the state will not see a final system that resembles what has been promised unless taxpayers are prepared to shoulder large new tax obligations in perpetuity. Senator Alan Lowenthal, Chairman of the Senate Housing and Transportation Committee posed the question: "What assurance can the authority provide that California taxpayers will not be stuck with a massive bill in the future?"⁵³⁰ The answer is "none."

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About the Authors

Wendell Cox is principal of Demographia, a St. Louis region-based public policy firm. He was appointed to three terms on the Los Angeles County Transportation Commission by Mayor Tom Bradley, where he introduced the amendment to Proposition A (1980) that established the local funding set-aside for the Los Angeles light rail and metro lines. He was also appointed to the Amtrak Reform Council by Speaker of the House Newt Gingrich to complete the unexpired term of New Jersey Governor Christine Todd Whitman. There, he was instrumental in forging the final financial self-sufficiency plan that was required by the U.S. Congress.

He has worked on numerous projects in the United States and internationally. Mr. Cox's professional endeavors on urban and intercity transport have been characterized by the objective of ensuring that riders and taxpayers receive fair value in return for their funding and that scarce public resources are directed to the most beneficial projects and programs.

He was author of the 1997 James Madison Institute evaluation report on the proposed Florida Overland Express high-speed rail system, and authored reports on subsequent Florida high-speed rail proposals. His analysis of the proposed Las Vegas Monorail contained accurate ridership projections, in contrast to the project-sponsored "investment grade" projections that were more than double the eventual ridership. Further, his prediction that the Las Vegas system would ultimately be unable to service its bonded indebtedness has now been repeated by Wall Street analysts. His 2000 commentary in the *Apple Daily*, Hong Kong's largest newspaper, argued for vigorous expansion of that urban area's rail system.

Demographia's "Public Purpose" website (www.publicpurpose.com) was designated twice by the *National Journal* as a "Top Transport Internet Site."

Joseph Vranich has been involved in rail passenger issues for more than thirty-five years. He has advocated building high-speed train systems through public-private partnerships and served as President/CEO of the High Speed Rail Association in the early 1990s, where he won the Distinguished Service Award. He has testified numerous times before the U.S. Congress on high-speed rail and Amtrak—including support for Amtrak's high-speed Acela program. Early in his career he served as an Amtrak public affairs spokesman.

He has spoken internationally at the invitation of Japan's Ministry of Transport, Japan's Railway Technical Research Institute, European railway suppliers, and addressed a visiting Chinese

government delegation in comments that were published in *Vital Speeches*. Also, he has met with the U.S. Department of Transportation, the Office of Management and Budget, and the U.S. General Accountability Office on rail passenger issues and was a U.S. Senate appointee to the Amtrak Reform Council.

He is the author of *Supertrains* (St. Martin's Press, 1991), a significant public policy book advocating construction of HSR systems in the U.S. His second work, *Derailed: What Went Wrong and What to do About America's Passenger Trains* (St. Martin's, 1997), recommended creation of public-private partnerships and competitive franchising. His most recent book, *End of the Line: The Failure of Amtrak Reform and the Future of America's Passenger Trains* (AEI Press, 2004), outlined how Amtrak failed to comply with reform laws; it also detailed Amtrak's development of the Acela trains and examined railway reforms in 55 nations.

He has addressed rail issues on many TV and radio programs, including the CBS Evening News, CNN News, CSPAN and National Public Radio. His work has been featured in *The New York Times*, *Newsweek* and *Railway Gazette International* and his commentaries have appeared in *The Wall Street Journal*, *Washington Post*, *Chicago Tribune* and many other publications.

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Definition of Terms

ACE	Altamont Commuter Express
Acela	Amtrak high-speed train
AHSRC	American High Speed Rail Corporation
AGV	<i>Automotrice Grande Vitesse</i> train
ATC	Air Traffic Control
Authority	California High Speed Rail Authority
BART	Bay Area Rapid Transit
BNSF	Burlington Northern Santa Fe Railway Company
Bullet Train	High-speed train in Japan
Caltrain	Commuter rail service linking Gilroy, San Jose and San Francisco
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBD	Central Business District
CHSRA	California High Speed Rail Authority
CO ₂	Carbon Dioxide
CO ₂ e	Carbon Dioxide Equivalent
DERAIL	Demanding Ethics Responsibility Accountability in Legislation (Texas)
DOE	U.S. Department of Energy
DOT	U.S. Department of Transportation
DWP	Los Angeles Department of Water and Power
EMU	Electric Multiple Unit
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
Eurostar	High-speed train operating London–Brussels/Paris
FAA	Federal Aviation Administration
FHSRC	Florida High Speed Rail Corporation
FOX	Florida Overland Express
FRA	Federal Railroad Administration
GAO	U.S. Government Accountability Office
GHG	Greenhouse Gas
Gigaton	One billion metric tons
HSR	High Speed Rail
I-#	Interstate highway number

IPCC	Intergovernmental Panel on Climate Change
ICE Train	Inter City Express, German train
Korail	Korean national railway
Kph	Kilometers per hour
LAX	Los Angeles International Airport
LOSSAN	Los Angeles to San Diego
Maglev	Magnetic levitation train
Metrolink	Commuter rail service in the greater Los Angeles region
Mph	Miles per hour
NCEIS	Northern California Environmental Impact Statement
NEC	Northeast Corridor (Boston–New York–Washington)
PPP	Public Private Partnerships
RFEI	Request for Expression of Interest
RFF	French rail infrastructure owner (<i>Réseau Ferré de France</i>)
RNP	Required Navigation Performance
ROW	Right-of-Way
SANDAG	San Diego Association of Governments
SCAG	Southern California Association of Governments
Shinkansen	Bullet Train in Japan
SNCF	The French national railway
SR-#	State highway number
THSRA	Texas High-Speed Rail Authority
TGV	<i>Train à Grande Vitesse</i>
UCCPL	United Citizens Coastal Protective League
UPRR	Union Pacific Railroad Company
US-#	United States highway number

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Endnotes

- ¹ California High-Speed Rail Authority, "Request for Expressions of Interest for Private Participation in the Development of a High-Speed Train System in California," March 6, 2008, p. 4.
- ² Senate Bill No. 1169, Chapter 71, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, approved by Governor June 24, 2004. Filed with Secretary of State June 24, 2004, pp. 1–2.
- ³ AB 3034 would slightly reduce maximum non-stop operating times, with the exception of Los Angeles–San Diego, which would increase from 1 hour to 1 hour and 20 minutes, and the Sacramento–San Jose route, which would no longer have a maximum non-stop operating time specified in law.
- ⁴ California High-Speed Rail Authority, "Request for Expressions of Interest," March 6, 2008, p. 4.
- ⁵ Request for Expression of Financial Interest documents, Appendix C. These cost figures are used throughout this report because they are the latest published and were provided to the investment community. Public officials are under a legal obligation to provide the investment community with the best possible information (indicative of this duty are securities fraud charges relating to municipal bonds that have been filed by the Securities and Exchange Commission against five former city of San Diego officials. See www.sec.gov/news/press/2008/2008-57.htm).
- ⁶ California High Speed Rail Authority, *Implementation Plan*, 2005, www.cahighspeedrail.ca.gov/images/chsr/20080123171537_ImplementationPlan.pdf.
- ⁷ "High-Speed Rail Executive Director Promotes Public-Private Partnerships in Discussion With Governor Schwarzenegger," press release, California High-Speed Rail Authority, March 12, 2008, www.cahighspeedrail.ca.gov/news/Press-Release--P3-31208.pdf, p. 1.
- ⁸ "Oversight Hearings of the California High-Speed Rail Authority," Committee Report, Senate Transportation and Housing Committee, June 2008, p. 1–2.
- ⁹ Alan Lowenthal, "To the Reader," Oversight Hearings of the California High-Speed Rail Authority, Committee Report, Senate Transportation and Housing Committee, June 2008, link appears on this page www.senate.ca.gov/ftp/SEN/COMMITTEE/STANDING/TRANSPORTATION/_home/REPO RTS.HTP, no page number.
- ¹⁰ Senate Transportation and Housing Committee Chairman Alan Lowenthal noted that "the business plan should be modeled on an investment prospectus and not an advocacy document" in his letter to CHSRA Chairman Quentin Kopp (Senate High Speed Rail Report, p. 31).

- ¹¹ *Ibid.*, p. 5.
- ¹² "A Plain English Handbook: How to create clear SEC disclosure documents" (Washington, D.C.: U.S. Securities and Exchange Commission, 1998), www.sec.gov/pdf/handbook.pdf, p. 4.
- ¹³ Senate committee report, p. 2. The higher cost figures are in Request for Expression of Interest for Participation in the Development of a High-Speed Train System in California, Exhibit B, pp. 13-14 (CHSRA, March 6, 2008). The cited pages indicate an estimate date of February 2008, one month after the Senate Transportation and Housing Committee meeting (January 11, 2008) and four months before issuance of the Senate committee report.
- ¹⁴ Senate committee report, p. 26.
- ¹⁵ See quote from Quentin Kopp, a former legislator who serves as chairman of the California High Speed Rail Authority, in Michael Cabanatuan, "Union Pacific won't share with high-speed rail," *San Francisco Chronicle*, Friday, June 6, 2008, www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/06/05/BAL811319K.DTL. Also see Eric Bailey, "Proposed L.A.-to-S.F. bullet train hits a snag," *Los Angeles Times*, June 4, 2008, www.latimes.com/news/local/la-me-bullet5-2008jun05_0,7414713.story.
- ¹⁶ *Town of Atherton v. California High Speed Rail Authority*, Case No. 2008-80000022, Superior Court of California, Sacramento County, August 7, 2008.
- ¹⁷ When a rail employee is hurt on the job, he or she becomes the plaintiff in a potentially limitless lawsuit against a rail carrier, with each side having a strong financial incentive to blame the other for the injury. In 2004, the most recent year for which data are available, total FELA payouts by railroads totaled more than \$750 million. See Edward R. Hamberger, Association of American Railroads, "Hearing on the Impact of Railroad Injury, Accident, and Discipline Policies on the Safety of America's Railroads," Testimony before the U.S. House of Representatives, Committee on Transportation and Infrastructure, October, 25, 2007, www.aar.org/PubCommon/Documents/Testimony/ERH_Final_AAR_Test_102507.pdf. Also, although dated, see comparative FELA costs versus state workers' compensation costs in Neal P. Curtin, *Comparison of Amtrak Employee Injury Settlement Costs Under the Federal Employers' Liability Act and State Workers' Compensation Programs*, (Washington, D.C.: U.S. General Accounting Office, June 22, 1988), Report No. T-RCED-88-49, archive.gao.gov/d39t12/136135.pdf. Disparities continue between FELA and state worker's compensation costs, with FELA costs running much higher than workers' compensation costs.
- ¹⁸ Amtrak Reform Council, *A Preliminary Assessment of Amtrak: The First Annual Report of the Amtrak Reform Council* (Washington, D.C.: Government Printing Office, January 24, 2000), govinfo.library.unt.edu/arc/materials/final14.pdf, p. 22.
- ¹⁹ Christopher Heredia, "Lawmakers want to give voters firm data on high-speed rail," *San Francisco Chronicle*, January 12, 2008, p. B3.
- ²⁰ Patti Reising and Ed Cavagnaro, "Interview with Rod Diridon," *In Depth: High-Speed Rail*, KCBS, January 21, 2008, www.kcbs.com/topic/play_window.php?audioType=Episode&audioId=1317495.
- ²¹ Quentin L. Kopp, Authority chairman in January 31, 2008, letter to Alan Lowenthal, chairman, Senate Transportation and Housing Committee, appearing in "Oversight Hearings," pp. 32–33.
- ²² Quentin L. Kopp, "Let's put state on fast track to the future," op-ed, *The Sacramento Bee*, June 22, 2008, www.sacbee.com/110/story/1029467.html, p. E3.
- ²³ *Implementation Plan*, p. 24.

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- ²⁴ Bent Flyvbjerg, Nils Bruzelius and Werner Rottengatter, *Megaprojects and Risk: An Anatomy of Ambition*, (Cambridge, UK: Cambridge University Press, 2003) p. 20.
- ²⁵ In the interest of accuracy, it is acknowledged that general press and trade press reports for the train's speed vary. As of the publication deadline for this report, it is believed that the 217-mph figure is correct. Schedules (in Chinese) found at economy.enorth.com.cn/system/2008/07/30/003610838.shtml.
- ²⁶ Xin Dingding, "China sets sights on rail record," *China Daily*, September 1, 2008, www.chinadaily.com.cn/china/2008-09/01/content_6984688.htm.
- ²⁷ Maglev trains operate much faster than HSR using technologies that allow a wheelless train to glide above a "guideway" suspended by magnetic fields. Extension of the Shanghai route across the city has doubled in price and sparked some of the most highly publicized citizens protests in the history of modern China. The extension appears to have been postponed. See www.forbes.com/markets/feeds/afx/2008/01/04/afx4493945.html and www.forbes.com/afxnews/limited/feeds/afx/2008/03/06/afx4743679.html. Principally because of cost increases, plans to build new maglev lines from Berlin to Hamburg and Munich to the Munich Airport have been abandoned. A maglev project remains in the early planning process for Los Angeles–Las Vegas and also within the Los Angeles and San Diego areas. The local plans could significantly impact HSR system plans, even resulting in the abandonment of some Los Angeles and San Diego HSR segments.
- ²⁸ The CHSRA interactive train website indicates a distance of 432 miles, while the March 27, 2008 RFEI Information Session indicates a 520-mile distance (Parsons Brinkerhoff, Quade and Douglas, *Overview of California High Speed Rail Project—Technical Information*, p. 17). The Los Angeles–San Francisco road distance is approximately 380 miles and the air distance (LAX to SFO) is approximately 340 miles.
- ²⁹ Calculated from State Department of Finance data.
- ³⁰ Calculated from California State Department of Finance and Census of Japan data.
- ³¹ For urban area population densities, see www.demographia.com/db-worldua.pdf.
- ³² Demographia, "Employment in International Central Business Districts," www.demographia.com/db-intlcbd.htm.
- ³³ Rapid transit is transit that is sufficiently separated from road traffic to permit speeds that are competitive with the automobile (this is in contrast to conventional bus service and many light rail lines). Examples of rapid transit in California are BART in the Bay Area, the Los Angeles Red Line, and long-haul commute buses on dedicated or semi-dedicated lanes, such as the El Monte Busway/High-Occupancy Vehicle lanes.
- ³⁴ This high transit market is not reflective of growth, rather decline. *Japan Statistical Yearbook* data indicates that *all* travel growth in the Tokyo, Osaka–Kobe–Kyoto and Nagoya areas has been automobile since 1990. See www.publicpurpose.com/ut-japan3met19902003.htm. Transit market share has also been in long-term decline in the U.S., and California, for many years.
- ³⁵ Demographia, "Tokyo-Yokohama: Transport Market Share," Urban Transport Fact Book, www.publicpurpose.com/ut-tokmkt.htm. See data for "Osaka–Kobe–Kyoto: Transport Market Share" at www.publicpurpose.com/ut-osamkt.htm.

- ³⁶ Demographia, "Urban Rail Ridership & Subsidies: Japan Urban Areas," Urban Transport Fact Book, www.publicpurpose.com/ut-japanurbanrail.htm.
- ³⁷ Demographia, "Public Transport Market Share Trend: 1983-2003 Largest Urban Areas Estimated," Urban Transport Fact Book," www.publicpurpose.com/ut-pt20trend.pdf.
- ³⁸ Calculated from data at www.fhwa.dot.gov/policy/ohim/hs06/index.htm, www.stat.go.jp/english/data/nenkan/.
- ³⁹ This includes the San Francisco, San Jose, Santa Cruz, Santa Rosa, Vallejo, Los Angeles, Riverside–San Bernardino, and Oxnard metropolitan areas (MSAs).
- ⁴⁰ European Union, *Energy and Transport in Figures: 2007*.
- ⁴¹ Some of this ridership transferred to HSR, though it is unknown how much.
- ⁴² SNCF 2007 Accounts (in French) at medias.sncf.com/resources/en_EN/medias/MID0305_20070803/template/Rf/2007/Rapport_de_gestion_comptes_consolidés_comptes_sociaux_EPIC2007.pdf
- ⁴³ Réseau Ferré de France is the company that owns and maintains the French national railway network.
- ⁴⁴ www.assemblee-nationale.fr/12/rap-info/i1725.asp.
- ⁴⁵ Assumes €1.00 equals \$1.40 (approximate exchange rate at September 10, 2008).
- ⁴⁶ Rémy Prud'homme (Professor Emeritus, University of Paris XII), Les Péages Ferroviaires en France: Note préparée pour une audition de la commission présidée par M. Hervé Mariton, Assemblée Nationale (Memorandum prepared for a hearing of the commission chaired by Mr. Hervé Mariton, National Assembly), April 14, 2008.
- ⁴⁷ "France train fares on track for increase; railway tolls in France could go up 80%," *Web in France Magazine*, March 24, 2008, www.webinfrance.com/france-train-fares-on-track-for-increase-rail-tolls-france-could-go-up-80-percent-325.html.
- ⁴⁸ Such a report would allocate to high-speed rail its share of any RFF subsidy, debt and interest.
- ⁴⁹ At the September 10, 2008 exchange rate of 108 yen to the dollar.
- ⁵⁰ Such a report would allocate to high-speed rail its share of any subsidies, debt and interest.
- ⁵¹ Examples of CHSRA promotional literature include the newsletter "High Speed Train News," winter 2007 issue, that offers content on seven existing or proposed HSR systems around the world at www.cahighspeedrail.ca.gov/news/chsr-newsletter.pdf. Also "Seminar Offers Vital Information as State Moves Forward With Plan for High-Speed Train," press release, California High-Speed Rail Authority, February 1, 2008, at www.cahighspeedrail.ca.gov/news/PressReleaseShinkansenBayArea.pdf. Even the CHSRA *Implementation Plan* contains promotional commentary on overseas systems at www.cahighspeedrail.ca.gov/images/chsr/20080123171537_ImplementationPlan.pdf, pp. 9–10.
- ⁵² "Amtrak Overview," *Congressional Digest* 80, no. 12 (December 2001), p. 291.
- ⁵³ William L. Garrison, David M. Levinson, *The Transportation Experience: Policy, Planning and Deployment* (New York: Oxford University Press USA, 2005) p. 122.
- ⁵⁴ *Overview Report: High Speed Ground Transportation for America* (Washington, D.C.: Federal Railroad Administration, United States Department of Transportation, August 1996).

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- ⁵⁵ William L. Garrison and David M. Levinson, *The Transportation Experience: Policy, Planning and Deployment*, Oxford University Press, 2006, p. 122.
- ⁵⁶ Peter Adams, "High-Speed Train Could Roll by 1995, Supporters Assert," *Orlando Sentinel*, May 28, 1986, 9A.
- ⁵⁷ Donald M. Itzkoff, "Florida's Problems Hold Lessons for Other High Speed Planners," *Railway Age*, February 1, 1991, p. 14.
- ⁵⁸ A summary of the five proposals can be found at Mary Ellen Klas, "Time to Shift from Neutral and Gear Up for High-Speed Rail," *The Palm Beach Post*, February 27, 1996, p. 1A.
- ⁵⁹ Roger Roy, "Orlando Company Gets Million-Dollar Rail Deal - FOX Gets a Green Signal - And \$70 Million Yearly in State Funds During the Next 25 years," *Orlando Sentinel*, February 28, 1996, p. A1.
- ⁶⁰ "High-Speed Proposals Would Railroad Florida," *The Palm Beach Post*, February 25, 1996, 2F.
- ⁶¹ House of Representatives Staff Analysis, Bill HB 855 Florida High-Speed Rail Authority, March 24, 2003, www.flsenate.gov/data/session/2003/House/bills/analysis/pdf/h0855.tr.pdf, p. 1.
- ⁶² Commentary regarding the 2-to-1 vote by the public in favor of terminating the Florida high-speed rail system can be found at "Face reality," *Florida Times-Union*, January 4, 2005, B-6.
- ⁶³ Roy Bragg, Clay Robison, Bennett Roth, "Bullet train plans to be unveiled," *Houston Chronicle*, September 26, 1989, p. 1.
- ⁶⁴ Bob Burns, "Rural movement against high-speed rail is growing," *Austin American-Statesman*, November 29, 1991, p. A1, and Joe Fohn, "Bullet train vs. ag interests addressed," *San Antonio Express-News*, December 5, 1991, p. 7E.
- ⁶⁵ Bennett Roth, "Report says mag-lev rail future wave - Texas train plan not as high-tech," *Houston Chronicle*, July 20, 1990, p. 1.
- ⁶⁶ Bob Burns, "Texas TGV has proposed a 590-mile, \$5.7 billion dollar system and \$6.7 depending upon the routes selected, Plans for high-speed train meet resistance," *Austin American-Statesman*, January 17, 1991, p. B1.
- ⁶⁷ Chris Kelley, "Consultants say bidding for 'bullet' train too low Experts doubt project can be built without tax funds," *Dallas Morning News*, March 22, 1991, p. 29A.
- ⁶⁸ John Williams, "Bullet train fund plan in disarray - Stockholders fighting about a salvage plan," *Houston Chronicle*, December 14, 1993, p. 23. See also Curtis Howell, "Bullet train firm says it can't meet financing deadline Money won't be raised by Dec. 31 deadline," *The Dallas Morning News*, December 18, 1993, p. 27A.
- ⁶⁹ David Bennett, "Rail plan doomed, Krueger says at rally in Geronimo," *San Antonio Express-News*, August 29, 1992, p. 1B.
- ⁷⁰ Linda Latham Welch, "County joins in railroad quarrel," *Austin American-Statesman*, December 19, 1991, p. 1.
- ⁷¹ Curtis Howell, "Texas TGV defaults on pact with state," *The Dallas Morning News*, January 4, 1994, p. 12A.

- ⁷² Sylvia Moreno, State board terminates bullet train franchise - Consortium to refund taxpayers' money it used, " *The Dallas Morning News*, August 20, 1994, p. 42A. Also, a summary of the cessation of planning for the Texas system can be found at Stuart Eskenazi, "Settlement on rail plan gets approved," *Austin American-Statesman*, August 20, 1994, p. B1.
- ⁷³ Sylvia Moreno.
- ⁷⁴ "Agency History," Texas High Speed Rail Authority: An Inventory of Records at the Texas State Archives, 1970-1995 (bulk 1990-1994), Texas State Library and Archives Commission, www.lib.utexas.edu/taro/tslac/20071/tsl-20071.html#a0.
- ⁷⁵ Jay Mathews, "San Diego 'Bullet Train' Put on Track With \$1.25 Billion Sendoff," *The Washington Post*, September 4, 1982, p. A3.
- ⁷⁶ "Bullet train firm issues timetable," *The San Diego Union*, August 22, 1984, p. B-3.
- ⁷⁷ Christopher Lindsay, "Private Group Plans High-Speed Railroad," Associated Press as it appeared in *The Boston Globe*, April 1, 1982, p. unknown.
- ⁷⁸ Carole Shifrin, "Bullet Train' Is Planned On West Coast," *The Washington Post*, April 1, 1982, p. D11.
- ⁷⁹ Christopher Lindsay.
- ⁸⁰ Douglas B. Feaver, "Hush-Loving Californians Try to Pull Plug on Electric Bullet Train," *The Washington Post*, February 19, 1984, p. A3.
- ⁸¹ George Flynn, "Oceanside warns it may ask bullet train environment review," *The San Diego Union*, January 30, 1984, p. B-1.
- ⁸² George Flynn, "Bullet train struggles to stay on track," *The San Diego Union*, February 5, 1984, p. B-1.
- ⁸³ The consultant was New Hampshire-based Carl R. Englund Jr., who had conducted studies on railroad passenger services for more than three decades. More detail about his findings are at George Flynn, "Bullet train forecast called far off target," *The San Diego Union*, February 4, 1984, p. B-1.
- ⁸⁴ George Flynn, "Bullet train forecasts mistaken," *The San Diego Union*, December 6, 1984, p. B-4.
- ⁸⁵ George Flynn, "Agency questions bullet trains They usually need subsidies, U.S. office says," *The San Diego Union*, January 13, 1984, A-1.
- ⁸⁶ Anne Krueger, "Official vows to block state aid for bullet rail," *Evening Tribune* (San Diego), February 11, 1984, p. A-5.
- ⁸⁷ Anne Krueger, "New bullet train figures released," *Evening Tribune* (San Diego), March 28, 1984, p. B-9.
- ⁸⁸ Virginia Spiller, "Revised bullet train revenue, ridership forecasts fail to sway local officials," *The San Diego Union*, April 8, 1984, B-3.
- ⁸⁹ Ed Jahn, "Bullet train runs up against the need for money Project hurdles political, ecological obstacles but faces \$50 million climb," *The San Diego Union*, August 19, 1984, p. B-3.
- ⁹⁰ Before the AHSRC could begin operations, the California Public Utility Commission would have had to issue a Certificate of Public Convenience and Necessity; a sample of an

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- application is here: <ftp://ftp.cpuc.ca.gov/puc/energy/environment/cpcnprocess.doc>. Also the commission has authority over rail safety. See www.cpuc.ca.gov/PUC/hottotopics/4railsafety/.
- ⁹¹ P.J. Garcia, "Gann, area figures join in media blitz against bullet train Tax crusader cites state-backed bond in affirming opposition to rail project," *The San Diego Union*, October 16, 1984, B-1. Also, Paul Gann joined Howard Jarvis in promoting Proposition 13 to reduce California's property taxes. On June 6th, 1978, nearly two-thirds of the state's voters passed Proposition 13. For more information, see Howard Jarvis Taxpayers Association at www.hjta.org/index.php.
- ⁹² Anne Krueger, "Bullet train's death gives life to other ideas," *Evening Tribune* (San Diego), November 14, 1984, p. A-1.
- ⁹³ Dan Weikel, "Bullet train is canceled no funding, Failure to raise \$50 million dooms high-speed rail plan," *The San Diego Union*, November 14, 1984, p. A-1.
- ⁹⁴ G. C. Smith and E. Shirley, "High-Speed Rail in California: The Dream, the Process, and the Reality," *Transportation Research Record*, No. 1143, Environmental Issues: Noise, Rail Noise, and High-Speed Rail, 1987, out of print, from abstract at pubsindex.trb.org/document/view/default.asp?lbid=282890.
- ⁹⁵ www.cahighspeedrail.ca.gov/images/chsr/20080319105301_RFEI.pdf (Investor Documents), Appendix C, March 6, 2008.
- ⁹⁶ Calculated from US Bureau of the Census data.
- ⁹⁷ www.demographia.com/db-cbd2000.pdf.
- ⁹⁸ www.demographia.com/db-intlcbd.htm.
- ⁹⁹ Downtown Los Angeles, while containing some of the nation's tallest buildings, ranks 49th out of the 50 U.S. urban areas in its share of employment. See www.demographia.com/db-cbd2000.pdf.
- ¹⁰⁰ www.publicpurpose.com/ut-usa2005r.htm.
- ¹⁰¹ Amtrak, "Acela Express Gets Off To Strong Start," press release ATK-01-03, January 11, 2001.
- ¹⁰² Laurence Arnold, "Acela Express Off to Slow Start," Associated Press, August 21, 2002.
- ¹⁰³ Penelope Overton, "Bullet Trains Missing Targets," *Hartford Courant*, August 21, 2001.
- ¹⁰⁴ George Flynn, "Wrong system, wrong reasons," *The San Diego Union*, November 14, 1984, A-13.
- ¹⁰⁵ "CalChamber Announces Positions on November Ballot Measures," California Chamber of Commerce press release, September 8, 2008, www.calchamber.com/News/Pages/CalChamberAnnouncesPositionsonNovBallotMeasures.aspx.
- ¹⁰⁶ Jon Coupal, "This bond should be derailed," *Orange County Register*, August 5, 2008, www.ocregister.com/articles/billion-prop-california-2115464-state-money.
- ¹⁰⁷ Accurate ridership projections are also important to ensure that projected reductions in traffic congestion or aviation volumes can be achieved. These issues are discussed in "Alternatives to Building the HSR System."
- ¹⁰⁸ Flyvbjerg is a professor at the University of Aalborg in Denmark. Bruzelius is an associate professor at the University of Stockholm. Rothengatter is head of the Institute of Economic Policy and Research at the University of Karlsruhe in Germany and has served as president of the World Conference on Transport Research Society (WCTRS).
- ¹⁰⁹ Bent Flyvbjerg, Nils Bruzelius and Werner Rottengatter, *Megaprojects and Risk: An Anatomy of Ambition*, (Cambridge, UK: Cambridge University Press).
- ¹¹⁰ Flyvbjerg et al., p. 14.
- ¹¹¹ Flyvbjerg et al., p. 31.
- ¹¹² "Eurostar to quit Waterloo in 2007," *Railway Gazette International*, December 1, 2004.
- ¹¹³ Flyvbjerg et al., p. 22.
- ¹¹⁴ 2007 ridership was 8.26 million.
- ¹¹⁵ Based upon 2008 first quarter ridership as reported in *International Railway Journal*, May 2008.
- ¹¹⁶ "Eurostar to quit Waterloo in 2007," *Railway Gazette International*, December 1, 2004.
- ¹¹⁷ U.S. General Accounting Office, *How Much Federal Subsidy Will Amtrak Need?* GAO/RED-76-97 (Washington, D.C.: Government Printing Office, April 21, 1976), p. 5.
- ¹¹⁸ "Annual Amtrak Ridership Sets All-Time Record; Fifth Straight Year of Increases," Amtrak press release, ATK-07-117, October 23, 2007, p. 1.
- ¹¹⁹ Senate Transportation and Housing Committee, Final High Speed Rail Report, p. 24.
- ¹²⁰ It is typical for firms involved in the planning process for mega projects to continue their participation as the project continues through construction.
- ¹²¹ Ridership projections vary significantly even within CHSRA documents. The intercity ridership projections are taken from NCEIS Tables 3.2-12 and 3.2-13, which are the only detailed ridership figures in the NCEIS (65.5 million for the 2030 Base Ridership Projection and 96.5 million for the CHSRA 2030 High Ridership Projection). Table 2.3-3 lists total trips under 2030 Base Ridership Projection at 88 million, including 25 million commuter trips and 117 million for the CHSRA 2030 High Ridership Projection, including 36 million commuter trips. This would leave 63 million trips (rather than the 65.5 million in Table 3.2-12) for the 2030 Base Ridership Projection and 81 million (rather than the 96.5 million in Table 3.2-13) for the CHSRA 2030 High Ridership Projection. Because the project is principally a high-speed rail system, and because the data in Tables 3.2-12 and 3.2-13 are the only comprehensive data, this report principally relies on these data. Because of these discrepancies, the commuter ridership is estimated by subtracting the intercity ridership from the total ridership.
- ¹²² This base year of 1997 is used as a "platform" from which various factors are applied to project ridership in 2020.
- ¹²³ NCEIS, p. 3.2-25.
- ¹²⁴ This base year of 2005 is used as a "platform" from which various factors are applied to project ridership in 2030.
- ¹²⁵ Commuter trains would operate within rather than between the larger urban areas, such as the Los Angeles area, the San Francisco Bay area and the San Diego area.

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¹²⁶ Charles River Associates, “Independent Ridership and Passenger Revenue Projections for High Speed Rail Alternatives in California,” January 2000 p. 16.

¹²⁷ The Las Vegas Monorail represents an instructive case because of its reliance on an Investment Grade ridership projection. The monorail was developed as a private venture and supported by tax-exempt industrial development bonds issued by the state of Nevada. Project promoters produced an “investment grade” projection of 53,500 daily riders for 2004. In 2007, the average daily ridership was 21,600—60 percent below projection. One of the present authors, (Wendell Cox) had produced a report during the planning process projecting between 16,900 and 25,400 daily riders for 2004, the mid-point of which, at 21,200, was two percent below the actual 2007 ridership (www.publicpurpose.com/ut-lvmono-0006.pdf). The eventual results in Las Vegas may be unfortunate for investors. Moody’s Investors Services has downgraded the bonds to “junk” status and has indicated that “At current ridership and revenue levels, a payment default is anticipated by 2010 once reserves are exhausted.” (www.kvbc.com/Global/story.asp?S=7797066 and www.reuters.com/article/companyNews/idUSN2959008320080129). Finally, the bond insurer, AMBAC Financial Services, has run into financial difficulties and has had its credit rating dropped two levels (www.bloomberg.com/apps/news?pid=20601087&sid=asLtQyLRQQs&refer=home). Holders of insured Las Vegas Monorail bonds could lose their investments, along with holders of uninsured bonds. This circumstance is an example of why reliable ridership and revenue estimates are vital to project success and to avoid taxpayer bailouts.

¹²⁸ Based upon the CHSRA assumed annual growth rate between 2005 to 2030.

¹²⁹ Based upon the CHSRA assumed annual growth rate between 2005 and 2030.

¹³⁰ Based on 2nd quarter 2005 U.S. DOT data.

¹³¹ “Historical Monthly Vehicle Miles of Travel 1972–2006,” traffic-counts.dot.ca.gov/monthly/VMTDIST1.pdf.

¹³² Comparison of data in EIS/EIR Table 3.2-12 and NCEIS Table 3.2-11.

¹³³ Cambridge Systematics, Inc, *Bay Area/California High-Speed Rail Ridership and Revenue Forecasting Study Ridership and Revenue Forecasts*, August 2007. Report for the CHSRA and the Metropolitan Transportation Commission.

¹³⁴ Federal Railroad Administration, “Analysis of the Benefits of High-Speed Rail on the Northeast Corridor” (Washington, D.C.: June 2008), www.oig.dot.gov/StreamFile?file=/data/pdffdocs/HSR_Final_7-1-08.pdf.

¹³⁵ Out-of-corridor examples might include Eureka to Fresno, Monterey to San Diego or Redding to Bakersfield.

¹³⁶ Sources: CHSRA EIR/EIS and NCEIS.

¹³⁷ Calculated from CHSRA trip tables (EIS/EIR Table 3.2-13 and NCEIS Table 3.2-12). In this comparison, the 2020 ridership projections are not adjusted to 2030.

¹³⁸ Daniel Leavitt, Erin Vaca, Peter Hall, “Revenue and Ridership Potential for a High-Speed Rail Service in the San Francisco/Sacramento-Los Angeles Corridor,” Working Paper UCTC No 185, University of California Transportation Center, Berkeley, February, 1994, www.uctc.net/scripts/countdown.pl?185.pdf.

¹³⁹ Mid-point projection. Adjustments were as follows. The 2010 University of California Projection was increased to account for market growth in the corridor from using the 2005 to 2030 annual market growth assumed in the NCEIS. The projection was adjusted upward to account for route sections included in the current proposal, but not the FRA plan.

¹⁴⁰ www.fra.dot.gov/Downloads/RRDev/cfs0997a12.pdf.

¹⁴¹ These adjustments were as follows. The 2020 FRA projection was increased to account for market growth in the corridor from using the 2005 to 2030 annual market growth assumed in the NCEIS. The projection was further increased to account for the higher maximum speed, using a ratio between the FRA high-speed rail alternative and the FRA “maglev” alternative. Finally, the FRA figure was adjusted upward to account for route sections included in the current proposal, but not the FRA plan, using the market ratios in the 2020 Investment Grade Projection (considered the most reliable projection produced by CHSRA and the only projection labeled “investment grade”).

¹⁴² Calculation: 700 divided by 1,000 = 70 percent.

¹⁴³ An average load of 994 passengers are assumed on trains that have a seating capacity of 1,175 (Average load factor calculated from NCEIS 4-20 and NCEIS Table 3.5-5). Other CHSRA documents project train capacities of 450-500, 650, 1,175, 1,200 and 1,600. Obviously the projected loads could not be accommodated in the smaller trains, which further erodes the credibility of CHSRA ridership projections (more fully discussed in Section IV, Analysis of California High-Speed Rail Plan, Federal Safety Standards).

¹⁴⁴ Sources: www.bts.gov/press_releases/2008/bts013_08/html/bts013_08.html, republicans.transportation.house.gov/Media/File/Testimony/Rail/4-19-07-Metzler.pdf. Estimated from Amtrak monthly performance reports, September 2007 and September 2005. Calculated from data in the RENFE 2004 annual report, and National Academy of Sciences.

¹⁴⁵ The commercial aviation industry pioneered yield management, also known as revenue management, to maximize revenue by selling as many as seats as possible on every flight. Experts working with software have developed models that use historical data regarding traffic flow and consumer behavior to anticipate the likelihood of future ticket sales. Next, fares in varying amounts are matched to available seats. The model has maximized revenue from what is a “perishable resource”—an airline seat. (Unsold seats are “perishable” because unless sold revenue from that seat on that trip is lost forever.) Yield management has succeeded in generating higher revenue yields for airlines. Some intercity railroads have contracted with airlines to modify software and practices for their particular needs.

¹⁴⁶ republicans.transportation.house.gov/Media/File/Testimony/Rail/4-19-07-Metzler.pdf,

¹⁴⁷ Estimated from Amtrak monthly performance reports, September 2007 and September 2005.

¹⁴⁸ Calculated from data in the RENFE 2004 annual report.

¹⁴⁹ Transportation Research Board, National Research Council, *In Pursuit of Speed: New Options for Intercity Passenger Transport*, Special Report 233, 1991, p. 154.

¹⁵⁰ www.bts.gov/press_releases/2008/bts013_08/html/bts013_08.html.

¹⁵¹ The proposed and now operating Acela high-speed rail service operates more slowly than the European and Japanese systems.

¹⁵² FRA, *Northeast Corridor Transportation Plan: New York City to Boston*: July 1994.

¹⁵³ Calculated from Amtrak Monthly Report data.

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- ¹⁵⁴ The actual shortfall in ridership relative to projections may have been more. Overall projections for the entire corridor were not found.
- ¹⁵⁵ Estimated from data in Amtrak monthly reports.
- ¹⁵⁶ Calculated from data from West Japan Railway, East Japan Railway and Central Japan Railway 2007 annual reports. This passenger intensity is somewhat overstated because some high-speed rail trains start or end their trips on conventional sections of route, especially on the East Japan Railway.
- ¹⁵⁷ Passenger miles per route mile (PM/RM) is a key indicator of demand relative to the extent of infrastructure constructed. It would be expected that when comparing overseas HSR systems to the proposed California HSR network that those of Japan and Europe would perform better (the reasons for this are described in Part 3, International Experience, and Part 4, Forecasting Ridership) which are described elsewhere). Despite such differences, the CHSRA's PM/RM demand projections show California's system as being superior to HSR systems in Japan and Europe. This untenable estimate is further evidence that the HSR system projected ridership lacks credibility.
- ¹⁵⁸ The actual passenger miles do not appear to be stated in recent project documents. The CHSRA 2030 Base Ridership Projection passenger miles estimated using data in NCEIS Table 4.3-2 (Cost of station services divided by cost per passenger mile of station services). The CHSRA 2030 High Ridership Projection is estimated assuming the average trip length from the base 2030 projection.
- ¹⁵⁹ Estimated from NCEIS data for the base and high end projections.
- ¹⁶⁰ ec.europa.eu/dgs/energy_transport/figures/pocketbook/doc/2006/2006_transport_en.pdf. The French ridership intensity is somewhat overstated because some high-speed rail trains start or end their trips on non-high-speed conventional routes, which means the CHSRA's projections are overly optimistic.
- ¹⁶¹ No passenger mile data was provided in the University of California study.
- ¹⁶² Based on 1999 CHSRA plan, inflated to 2006\$. The NCEIS does not include later estimates for business class fares.
- ¹⁶³ Internet inquiries: May 2008 (Japan and France), July 2008 (Washington-New York).
- ¹⁶⁴ Calculated from gross intercity passenger miles as estimated from NCEIS data gross commercial revenues relating to Alternative P1 (Pacheco) in Cambridge Systematics, 2007.
- ¹⁶⁵ Calculated from data in annual reports.
- ¹⁶⁶ "France train fares on track for increase; railway tolls in France could go up 80%," *Web in France Magazine*, www.webinfrance.com/france-train-fares-on-track-for-increase-rail-tolls-france-could-go-up-80-percent-325.html.
- ¹⁶⁷ Calculated from Amtrak *Monthly Performance Report: for September 2007* using average Acela passenger trip length from September 2005 in the Amtrak *Monthly Performance Report for September 2005*. Ancillary revenue data is not provided. If ancillary revenue data were available, the difference between Acela per passenger mile yields and the proposed CHSRA passenger mile yield would be greater.
- ¹⁶⁸ This analysis is based upon the Pacheco Pass alignment.
- ¹⁶⁹ Data from National Transit Database.

- ¹⁷⁰ Data from National Transit Database.
- ¹⁷¹ www.capitolcorridor.org/about_ccjpa/press_room/2008/03/capitol_corridor_ridership_soa.php.
- ¹⁷² NCEIS, p. 2-11.
- ¹⁷³ Projection Assumptions:
- LOW PROJECTION
- Based upon FRA 1997 for SD-LA-SF Corridor 2020 projections
- Adjusted upward for additional mileage using market data ratios from 2020 Investment Grade Projection.
- Adjusted upward for 2020 to 2030 travel market size using CHSRA assumptions.
- HIGH PROJECTION
- Airline diversion 1/3 of the market, HSR automobile diversion projection from 2020 Investment Grade Projection adjusted for market growth to 2030.
- ¹⁷⁴ The 2030 Due Diligence Base Projection is based upon the 1997 FRA report projection for 2020, adjusted for the additional route length and updated to 2030. The 2030 Due Diligence Base Projection does not include the adjustment for slower speeds (See Forecasting Speed and Federal Safety Standards). However, this projection is considered generous because of the likelihood that the HSR system will not be able to achieve its aggressive operating speed objectives, which is likely to result in even lower ridership than the Due Diligence projections.
- ¹⁷⁵ As documented by Flyvbjerg et al.
- ¹⁷⁶ Erik N. Nelson, "Dodging the Bullet Train," *Oakland Tribune*, November 19, 2006, findarticles.com/p/articles/mi_qn4176/is_20061119/ai_n16857538/pg_1
- ¹⁷⁷ Sean Holstege, "Truth may have come off the tracks," *Oakland Tribune*, Aug 22, 2004, findarticles.com/p/articles/mi_qn4176/is_20040822/ai_n14582033.
- ¹⁷⁸ Steve Schmidt, "2008 Vote: State Propositions, \$10 billion bond for high-speed rail sought," *The San Diego Union-Tribune*, September 9, 2008, www.signonsandiego.com/news/state/20080909-9999-1n9rail.html.
- ¹⁷⁹ 2006\$ are used because most current CHSRA documentation uses 2006\$.
- ¹⁸⁰ Request for Expression of Interest (RFEI) documents, Appendix C. These cost figures are used throughout this report because they are the latest published and since they were provided to the investment community. Public officials are under a legal obligation to provide the investment community with the best possible information (indicative of this duty are securities fraud charges that have been filed by the Securities and Exchange Commission against five former city of San Diego officials. See www.scc.gov/news/press/2008/2008-57.htm).
- ¹⁸¹ Request for Expression of Interest documents (RFEI), Appendix C.
- ¹⁸² Estimated based upon an analysis of Missing Phase segments in previous CHSRA reports.
- ¹⁸³ This Due Diligence Report relies on the lowest cost alternative used in estimating cost of the Missing Phase.
- ¹⁸⁴ Flyvbjerg et al.
- ¹⁸⁵ Flyvbjerg et al., p. 44

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¹⁸⁶ Flyvbjerg et al., p. 14–16

¹⁸⁷ Flyvbjerg et al., p. 14

¹⁸⁸ Flyvbjerg et al., p. 12.

¹⁸⁹ Flyvbjerg et al., p. 12.

¹⁹⁰ Mette K. Skamris and Bent Flyvbjerg, “Accuracy of Traffic Forecasts and Cost Estimates on Large Transportation Projects,” *Transportation Research Record* (Washington, D.C.: Transportation Research Board, National Research Council), 1996.

¹⁹¹ Flyvbjerg et al., p. 5.

¹⁹² Flyvbjerg et al., p. 16.

¹⁹³ Senate committee High Speed Rail Report, p. 24

¹⁹⁴ David Briginshaw, “KTX Takes The Lead in Korea,” *International Railway Journal*, January 2007, p. 21.

¹⁹⁵ Flyvbjerg et al., p. 138.

¹⁹⁶ Only the San Francisco earthquake of 1906 was stronger. Three other earthquakes were of the same intensity as the Tehachapi earthquake, Montana, Landers, California and Eureka (1947). See earthquake.usgs.gov/regional/states/historical.php and www.cahighspeedrail.ca.gov/regional/pdf/baker/Geology_Plates_3-4.pdf.

¹⁹⁷ EIR/EIS, Volume I: Report, August 2005, www.cahighspeedrail.ca.gov/images/chsr/20080129162048_ch-2.pdf, p. 2-9.

¹⁹⁸ Jerry Brown, Mayor of Oakland, speaking to the Board of Directors, CHSRA, July 20, 1999, as reflected in the meeting minutes, www.cahighspeedrail.ca.gov/images/chsr/20080123145357_Minutes_0799.pdf, p. 4.

¹⁹⁹ EIR/EIS, p. 6A-16.

²⁰⁰ Ibid., p. 6A-9.

²⁰¹ Ibid., p. 6A-17.

²⁰² “California High-Speed Rail Authority to Study Zero Greenhouse Gas Emission,” press release, February 7, 2008, www.cahighspeedrail.ca.gov/news/Press-Release--Zero-Greenhouse-Gas-Emissions.pdf.

²⁰³ Though, unlike other stations, travel time information is not provided to and from this station. See <http://www.cahighspeedrail.ca.gov/map.htm>.

²⁰⁴ The limited funding documentation available indicates funding from local partnerships, which could include counties, cities and special districts (such as transit districts).

²⁰⁵ While it is true that such operations occur in the French and Japanese systems, the distances where HSR shares tracks with commuter and freight trains in the urban areas of California would be longer; freight train volumes (which operate much more slowly than commuter rail trains) are much more intense than found on lines overseas. In the U.S. context, any such operations are likely to add more to travel times than overseas experience suggests.

²⁰⁶ Flyvbjerg et al., p. 20.

²⁰⁷ \$49.0 billion to \$73.5 billion in 2008\$ (see Due Diligence Projections).

²⁰⁸ \$54.3 billion to \$81.4 billion in 2008\$ (see Due Diligence Projections).

²⁰⁹ The Texas TGV operating costs per seat mile are estimated at 70 percent higher than the CHSRA projection (adjusted to 2006\$). Transportation Research Board, National Research Council, *In Pursuit of Speed: New Options for Intercity Passenger Transport*, Special Report 233, 1991, Table A-14 (operating cost items only).

²¹⁰ This high estimate could be overly conservative, given the enormous differences between CHSRA revenue per passenger mile assumptions and those actually experienced by Japanese HSR trains and Acela.

²¹¹ The 432-mile Los Angeles–San Francisco distance appears to be a mistake. The CHSRA interactive map indicates a distance of 432 miles from Los Angeles–San Francisco. However, the same map indicates a Los Angeles–Gilroy distance of 370 miles and a Gilroy–San Francisco distance of 79, for a total of 449 Los Angeles–San Francisco miles. The same route with a Merced stop, as indicated in the NCEIS, would be approximately 460 miles. A 490-mile route was calculated from the Request for Expression of Financial Interest documents.

²¹² The Los Angeles–San Diego time was lengthened to 1 hour and 20 minutes upon enactment of AB 3034.

²¹³ On page 2-13, the NCEIS indicates that express trains would operate non-stop between Sacramento, San Francisco or San Jose and Los Angeles or San Diego. On page 4-20, the NCEIS indicates that express trains would have one intermediate stop.

²¹⁴ Calculated from interactive system map (384 miles in 2:09), www.cahighspeedrail.ca.gov/map.htm.

²¹⁵ Calculated from information in Colin J. Taylor, “TGV Est Lifts the Record,” *Railway Gazette International*, September 2007.

²¹⁶ This occurred on the Cologne to Frankfurt HSR line in Germany, where political considerations resulted in the addition of five stations. See Flyvbjerg et al., p. 40.

²¹⁷ CHSRA map at www.cahighspeedrail.ca.gov/map.htm.

²¹⁸ EIR/EIS, www.cahighspeedrail.ca.gov/images/chsr/20080129182904_ch-6a.pdf, p. 6A-17.

²¹⁹ Based on the 2006 population in the US Bureau of the Census, American Community Survey estimates for urbanized area boundaries as delineated in 2000. See www.demographia.com/db-caua.pdf.

²²⁰ A coefficient exists indicating that the faster a HSR train travels the greater its exterior noise output; such technical details are beyond the scope of this report.

²²¹ Transportation Research Board, *In Pursuit of Speed: New Options for Intercity Passenger Transport*, National Research Council, 1991, Table A-15.

²²² Assumes operating speed of the world’s fastest operating HSR segment of greater length (Paris to Avignon), with an adjustment to account for a peak operating speed of 200 mph (320 kph).

²²³ SB 1856, p. 4.

²²⁴ Transportation Research Board, *In Pursuit of Speed: New Options for Intercity Passenger Transport*, National Research Council, 1991, Table A-15.

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- ²²⁵ Alternative route lengths noted above could reduce this time by 6 minutes or increase it by 9 minutes. Consistent with CHSRA documentation in the EIS/EIR, 10 minutes is added for the Tehachapi-Palmdale routing (as opposed to the I-5 Tejon Pass routing).
- ²²⁶ Variations occur per station stop. This study assumes that each station stop adds an average of 9 minutes to the travel time. This is the result of slowing from top speed to a stop, "dwell" time in the station for passengers to disembark and board, and the time required to resume top speed (this estimate is based upon an examination of TGV and Bullet Train schedules).
- ²²⁷ Assembly Bill 3034 was approved by the Assembly and at publication it was unclear whether the bill would be signed by the Governor. AB 3034 would slightly reduce maximum non-stop operating times, with the exception of Sacramento-San Jose, which would no longer have a maximum non-stop operating time specified in law.
- ²²⁸ "What Is a High-Speed Train System?" California High Speed Rail Authority, undated, www.cahighspeedrail.ca.gov/plan/pdf/Plan_1.pdf.
- ²²⁹ Photos of the complete destruction of ICE Train passenger cars can be found at Gunnar J. Kuepper, "Colossal impact of German train crash," EMD Reports (Emergency and Disaster Management Inc.), www.emergency-management.net/fire1.htm. Of all the reports on this accident, perhaps the most cogent is by Masayuki Nakao, Institute of Engineering Innovation, University of Tokyo, "InterCity Express Accident," Failure Knowledge Database at the Japan Science and Technology Agency, undated, shippai.jst.go.jp/cn/Detail?fn=2&id=CA100637.
- ²³⁰ "German railway inspects high-speed trains, cancels dozens of services," *International Herald Tribune*, July 11, 2008, www.ihf.com/articles/ap/2008/07/11/europe/EU-Germany-Deutsche-Bahn.php.
- ²³¹ "Eurostar train derails in France," BBC News, June 5, 2000, news.bbc.co.uk/2/hi/europe/779027.stm.
- ²³² This report will not attempt to provide an inventory of rail accidents on tracks jointly used by different types of trains because of the exhaustive nature of such a list. The FRA maintains such records. See safetydata.fra.dot.gov/officeofsafety/.
- ²³³ Implementation Plan, California High-Speed Rail Authority, 2005, www.cahighspeedrail.ca.gov/images/chsr/20080123171537_ImplementationPlan.pdf, pp. 21–22.
- ²³⁴ For a map of the Caltrain system see www.caltrain.com/caltrain_map.html; for the Metrolink system see www.metrolinktrains.com/documents/Stations/MetrolinkMap.pdf; for the CHSRA system see www.cahighspeedrail.ca.gov/map.htm.
- ²³⁵ California High Speed Rail Authority and Federal Railroad Administration, *Final Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Proposed California High-Speed Train System*, Volume I: Report, August 2005, www.cahighspeedrail.ca.gov/images/chsr/20080129162048_ch-2.pdf, p. 2-2, hereinafter referred to as EIR/EIS.
- ²³⁶ *Ibid.*, p. 6A-4. Also, see several drawings of HSR with commuter train and/or freight train shared track segments in California High Speed Rail Authority and Federal Railroad Administration, *Final Bay Area to Central Valley High-Speed Train (HST) Program Environmental Impact Report/Environmental Impact Statement . . . Volume 2: Appendices*, May 2008, hereinafter referred to as NCEIS, www.cahighspeedrail.ca.gov/images/chsr/20080602142821_Complete%20Volume%202%20

- wCover.pdf. Shared tracks with Caltrain and freight trains is Figure CC-2, "San Francisco to San Jose Caltrain Corridor Typical Four Tracks at Grade," p. 2-E-2 and p. 2-E-8; a shared HSR/commuter rail station at Tracy can be seen at "Bay Area to Central Valley Altamont Pass," 2-E-99; HSR and commuter trains only (no freight) at Figure PP-9, "San Jose to Los Banos Pacheco Pass Typical Retained Fill," p. 2-E-56.
- ²³⁷ EIR/EIS, Volume I, p. 6A–26.
- ²³⁸ "The California High-Speed Train Network - The Next Steps to Construction," undated, phasing recommendations approved by the CHSRA board as reflected in the meeting minutes of May 23, 2007, p. 6. The link to the minutes is www.cahighspeedrail.ca.gov/images/chsr/20080121164421_052307_min.pdf and the Phasing Plan is at www.cahighspeedrail.ca.gov/images/chsr/20080121165954_052307_plan.pdf.
- ²³⁹ NCEIS, Volume I, p. 2–9.
- ²⁴⁰ Association for California High-Speed Trains, undated and undated article on Home page at www.highspeedtrainsforca.com/default.asp.
- ²⁴¹ Garth Stapley, "Bill to update ACE trains needs votes from valley," *Modesto Bee*, May 07, 2008, www.modbee.com/local/story/291160.html.
- ²⁴² Michael Cabanatuan, "Union Pacific won't share with high-speed rail," *San Francisco Chronicle*, Friday, June 6, 2008, www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/06/05/BAL811319K.DTL and Eric Bailey, "Proposed L.A.-to-S.F. bullet train hits a snag," *Los Angeles Times*, June 4, 2008, www.latimes.com/news/local/la-me-bullet5-2008jun05_0,7414713.story.
- ²⁴³ NCEIS, p. 127.
- ²⁴⁴ "Oversight Hearings of the California High-Speed Rail Authority," Committee Report, Senate Transportation and Housing Committee, June 2008, p. 25.
- ²⁴⁵ *Ibid.*, p. 25.
- ²⁴⁶ Authorized under 49 U.S.C. § 20103.
- ²⁴⁷ Legal challenges to preempt FRA's authority have failed. The most recent example is the California Court of Appeal ruling on June 3, 2008 that FRA regulations governing the "push" mode of "push-pull" commuter trains preempt the practice from being used against Metrolink in a class-action lawsuit that stems from a January 2005 train crash. The accident in Glendale resulted in 11 fatalities and nearly 200 injuries. The appellate court ruled that because the type of operation is lawful under FRA regulations, the plaintiffs cannot argue in state court that the practice was negligent. See Angela Hokanson, "Metrolink wins push-pull case," *Burbank Leader*, June 4, 2008, www.burbankleader.com/articles/2008/06/04/publicsafety/blr-metrolink07.txt. See the ruling in Southern California Regional Rail Authority et al., v. Superior Court of Los Angeles County, Respondent: James Tutino et al., in the Court of Appeal of the State of California, Second Appellate District, June 3, 2008 at www.courtinfo.ca.gov/opinions/documents/B200777.pdf. In June 2008, the individual accused of parking his vehicle on the tracks and causing the accident was found guilty of multiple charges; see Tony Castro, "Alvarez convicted of 11 counts of murder in Glendale train crash incident," *Los Angeles Daily News*, June 27, 2008, www.dailynews.com/news/ci_9714112.
- ²⁴⁸ Railroad Safety Statistics 2005 Annual Report (Washington, D.C.: Federal Railroad Administration, December 2006), safetydata.fra.dot.gov/Objects/bull2005-book.pdf, p. 1.

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- ²⁵² *Implementation Plan*, pp. 21–22.
- ²⁵³ Suffice to say that FRA regulations control the amount of weight required to be built into the front of a passenger train in order to clear the track of obstacles and to help withstand collisions. Car crashworthiness includes crash energy management features, longitudinal structural strength and rollover strength requirements, the frequency and manner in which trains are inspected, interior features that may affect passenger safety and other factors.
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- ²⁵⁵ Parsons Brinkerhoff, Quade and Douglas, *Overview of California High Speed Rail Project—Technical Information*, p. 6.
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- ²⁶² "Beijing-Tianjin High-Speed Commuter Link, China," Railway Technology, undated, www.railway-technology.com/projects/beijing-tianjin/specs.html.
- ²⁶³ David Briginshaw, "AGV: the next generation," *International Railway Journal*, March 2008, pp. 23–26.
- ²⁶⁴ "Los Angeles to San Diego via Orange County High-Speed Train Alignments/Stations Screening Evaluation," California High-Speed Train Program EIR/EIS, Revised Draft,

Prepared by IBI Group Team, Task 2.3.1R, July 25, 2001, www.cahighspeedrail.ca.gov/images/chsr/20080131152437_LAX_Report.pdf, p. 32.

- ²⁶⁵ NCEIS, p. 2–11.
- ²⁶⁶ EIR/EIS, p. 4–20.
- ²⁶⁷ The cessation of planning for the Texas HSR system that was to use redesigned TGV trains is summarized at Stuart Eskenazi, "Settlement on rail plan gets approved," *Austin American-Statesman*, August 20, 1994, p. B1.
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- ²⁷¹ The Acela's 2 power cars and 6 coaches at 614 tons is the heaviest high-speed train. An Italian Pendolino built for Virgin Trains in Britain weighs approximately 471 tons; the TGV Duplex (double-decked) weighs about 424 tons; and the German ICE Train ICE3 version weighs in the order of 409 tons. Data available at www.railway-technology.com. All weights are in metric tons.
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- ²⁷³ *Implementation Plan*, p. 27.
- ²⁷⁴ JayEtta Hecker, "Acela's Continued Problems Underscore the Importance of Meeting Broader Challenges in Managing Large-Scale Projects," U.S. Government Accountability Office, Testimony Before the Subcommittee on Railroads, Committee on Transportation and Infrastructure, House of Representatives, May 11, 2005, www.gao.gov/new.items/d056981.pdf, p. 6.
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- ²⁸¹ For example, the CHR 3 train is a version of the Velaro, which in turn is a redesign of the ICE Train without locomotives. In railroad parlance it is referred to as an EMU (electrical multiple unit), meaning that motors under each car power the train. The more technical designation is that it is a "distributed power" train. See *Jane's World Railways 2004-2005* (Surrey, United Kingdom: Jane's Information Group), p. 568.
- ²⁸² NCEIS, p. 3.2-22.
- ²⁸³ Jathon Sapsford, "Quake Shakes Japan's Bullet Train-Derailment Shatters A Myth of Invincibility Despite Lack of Injuries," *The Wall Street Journal*, October 26, 2004, p. A7A. Also, "Shinkansen track destroyed by earthquake," *The Daily Yomiuri*, October 26, 2004, p. 4.
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- ²⁸⁵ The first mention of the train station advantage over airports found in documents currently on line is in EIR/EIS Volume 1: Report, p. 3.2-1.
- ²⁸⁶ Airline prospectuses typically include cautionary language regarding the material risks of security threats. As one example, a recent Continental Airlines prospectus contains sections entitled, "Additional security requirements may increase our costs and decrease our traffic" and "Additional terrorist attacks or international hostilities may further adversely affect our financial condition, results of operations and liquidity." See: "Final Prospectus Supplement, Registration No. 333-133187 of June 19, 2008 to Prospectus dated April 10, 2006, prepared by UBS Investment Bank for Continental Airlines regarding the pricing of a public offering of 11 million shares of Class B Common Stock, Risk Factors as filed with the SEC," www.sec.gov/Archives/edgar/data/319687/000095012908003613/h57701b2e424b2.htm#103, pp. S-5----S11.
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- ³²⁸ Some U.S. sources place the walking distance maximum at 0.5 miles, double the international standard. This is a questionable figure and would seem to be particularly questionable for intercity travelers, who generally carry more in the way of luggage and personal effects than local transit passengers.
- ³²⁹ Comparison of travel times between in the 2005 EIS/EIR (2:25, Appendix 3.2-A) and the 2008 NCEIS (2:38, Table 2.3-1).
- ³³⁰ Moreover, some of the travel time comparisons can be characterized as misleading. In the EIS/EIR, CHSRA indicates that door-to-door HSR travel between Los Angeles and San Diego would take 2 hours and 16 minutes compared to 3:00 hours air travel time. This would represent a net savings of 44 minutes. This induced a California Senate committee to note that: “Travelers enjoying the greatest travel time savings would be those journeying between San Diego and Los Angeles” (Senate High Speed Rail Report, pp. 21–22). In fact, few people fly San Diego–Los Angeles, because, as the source EIS/EIR table indicates, car travel is generally faster. Federal data indicates that approximately 125 people fly between Los Angeles and San Diego on a daily basis (U.S. Department of Transportation *Domestic Air Passenger Consumer Report*, 2007, 4th quarter, ostpxweb.dot.gov/aviation/domfares/table6074.csv)—not enough passengers to fill a single Boeing 737. Similarly, CHSRA reports show travel time savings for non-stop air travelers between San Jose and Sacramento. In 2005, the NCEIS base year, there were fewer than 10 passengers daily flying between Sacramento and San Jose. As of 2008, there is one daily flight on a propeller-driven aircraft. The inclusion of travel time savings for air passengers in markets that have little or no air ridership can mislead. The members and staff of the California Senate cannot be expected to have the expertise to have identified the irrelevance of this finding. CHSRA, however, has exactly the expertise that should have either not shown the virtually theoretical travel time differences or should have noted the minimal significance of the figure.
- ³³¹ The air trip is also assumed to be downtown to downtown, with the necessary ground transportation links. NCEIS Tables 3.2-6 and 3.2-7.

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³³² The 3 hour and 24 minute door-to-door HSR travel time indicated from downtown San Francisco to downtown Los Angeles in the NCEIS is 6 minutes less than the 3 hour, 30 minute travel time reported in the EIS/EIR (Table 3.2-7, with Antelope Valley routing, per footnote 3 on page 3.2-12). At the same time, the NCEIS projects a train travel time of 2 hours and 38 minutes on the route, while the EIS/EIR projected a train travel time of 2 hours and 25 minutes. Thus, CHSRA changed the access time to and from the train from 1 hour, 5 minutes under the EIS/EIR to 46 minutes under the NCEIS. If CHSRA had used a consistent access time (non-train travel time portion of the door-to-door time), the door-to-door travel time would have been 3 hours and 43 minutes, instead of 3 hours and 24 minutes. This is a substantial door-to-door travel time improvement and is likely to have had a material impact in inflating the ridership in the NCEIS ridership projections.

³³³ NCEIS, p. 3.2-11.

³³⁴ Downtown San Francisco, represents 12 percent of the employment in the San Francisco Bay area. Downtown Los Angeles represents 3 percent of the employment in the Los Angeles area. Downtown San Diego represents 5 percent of the employment in the San Diego area. Downtown Sacramento represents only 11 percent of the employment in the Sacramento area; see: www.demographia.com/db-cbd2000.pdf.

³³⁵ It is assumed that the CHSRA airport travel time is 20 minutes longer to and from the downtown destinations than HSR.

³³⁶ The newer, shorter non-train travel times in the NCEIS are assumed. The longer door-to-door travel times for the train in the EIS/EIR would disadvantage train travel another 19 minutes relative to air travel.

³³⁷ It is assumed that semi-express trains, the second fastest type of train, would stop twice along the route (such as in Fresno and Bakersfield). See NCEIS p. 2-13.

³³⁸ Shinagawa, Yokohama, Nagoya and Kyoto. Based upon timetable at March 2008. www.japanrail.com/pdf/timetable_fare/timetable_fare1_west.pdf.

³³⁹ NCEIS p. 2-13.

³⁴⁰ NCEIS p. 4-20.

³⁴¹ For example, 17 to 26 semi-express trains are forecast on page 2-13 and 34 are forecast on page 4-20.

³⁴² NCEIS, p. 2-12.

³⁴³ Data from air schedules available online for November 12, 2008.

³⁴⁴ www.demographia.com/db-worldua.pdf.

³⁴⁵ NCEIS, p. 4-20.

³⁴⁶ www.oig.dot.gov/StreamFile?file=/data/pdffdocs/HSR_Final_7-1-08.pdf.

³⁴⁷ Analysis uses improved fuel economy as projected by the Energy Information Administration. Auto operating costs are marginal only, including gasoline, tires and maintenance, but excluding insurance and ownership expenses.

³⁴⁸ NCEIS Table 3.2-5

³⁴⁹ Senate High Speed Rail Report, p. 1.

³⁵⁰ The bond authorization would be for \$9.95 billion, of which \$950 million would be made available to the state and regional or local units of government.

³⁵¹ REFI, Appendix C, p. 98.

³⁵² Senate High Speed Rail Report, p. 26.

³⁵³ Quentin L. Kopp, "No boondoggle," *San Francisco Chronicle*, April 26, 2008, www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/04/26/ED7J10BHUI.DTL

³⁵⁴ www.cahighspeedrail.ca.gov/rfei/pdf/Exhibit_C.pdf.

³⁵⁵ This is despite the fact that no federal program exists capable of funding an amount remotely similar to such amounts.

³⁵⁶ www.cahighspeedrail.ca.gov/rfei/pdf/Exhibit_C.pdf.

³⁵⁷ REFI, Appendix C.

³⁵⁸ Senate High Speed Rail Report pp. 32-33.

³⁵⁹ Ibid., pp. 32-33. In this letter, Chairman Kopp indicates that surplus revenues from Phase I would be used to complete Phase II. As this report indicates, there is little likelihood that any such a surplus will materialize. (See Due Diligence Projections.)

³⁶⁰ One example is CHSRA, *A Comprehensive Approach to Intercity Rail*, January 31, 2001, p. 1.

³⁶¹ EIR/EIS, p. 5-5.

³⁶² Cambridge Systematics, Inc., *Bay Area/California High-Speed Rail Ridership and Revenue Forecasting Study, Levels-of-Service Assumptions and Forecast Alternatives*, August 2006 and Cambridge Systematics, Inc., *Bay Area/California High-Speed Rail Ridership and Revenue Forecasting Study, Ridership and Revenue Forecasts*, draft report, August 2007.

³⁶³ Parsons Brinkerhoff, Quade and Douglas, *Overview of California High Speed Rail Project-Technical Information*, March 27, 2008, p. 4.

³⁶⁴ CHSRA, *Preferred Alignments and Stations - South*, August 4, 2005 and *Average Operating Speed on High-Speed Train System*, May 22, 2007.

³⁶⁵ Senate High Speed Rail Report, p. 26.

³⁶⁶ businesswire.com/portal/site/google/?ndmViewId=news_view&newsId=20080312006330&newsLang=en

³⁶⁷ Proponents sometimes claim that HSR is profitable with respect to operating costs, and exclude the cost of construction and capital. A profitable enterprise must return greater revenues than all costs, both capital and operating.

³⁶⁸ Quentin L. Kopp, "Another View: Let's put state on fast track to the future," *The Sacramento Bee*, June 22, 2008, www.sacbee.com/110/story/1029467.html.

³⁶⁹ Garrison and Levinson, p. 122.

³⁷⁰ Examples of such user revenues are landing fees and user taxes on airline tickets (whose proceeds are dedicated to aviation). There is a small annual subsidy to the aviation system for FAA's safety and regulatory functions and also the Essential Airline Service program, which subsidizes airline service to a small number of smaller urban areas.

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³⁷¹ Such user revenues include special (rather than general purpose) taxes on fuel and tolls (subsidies from www.bts.gov/programs/federal_subsidies_to_passenger_transportation/, airline revenues from *National Transportation Statistics*).

³⁷² As used in this context, profits are the net of commercial revenues over operating and capital costs, excluding the taxpayer costs of bonds or grants.

³⁷³ This assumes payment of operating costs and CHSRA debt service.

³⁷⁴ EIR/EIS, p. 2-1.

³⁷⁵ Financial information in this chapter is in 2003\$, since that was the basis of CHSRA's cost estimates for the highway and Aviation Alternatives.

³⁷⁶ Use of 2003\$ here is an exception to this report's adjustment of data to 2006\$ because of the CHSRA's exclusive use of 2003\$ in its analysis of alternatives.

³⁷⁷ www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/04/26/ED7J10BHUL.DTL.

³⁷⁸ Assembly Bill 3034 (2008), Section 1(a), as introduced.

³⁷⁹ Automobile increase calculated from NCEIS Table 3.5-4. Airline increase estimated from CHSRA 1997-2005 and 2005-2030 annual rates.

³⁸⁰ Advocates of intercity passenger rail often note that airlines have historically lost large amounts of money. However, these losses have been sustained by private investors, not governments. There is a small federal subsidy (principally for the Federal Aviation Administration's safety regulation and to subsidize airline service to smaller urban areas, which was estimated at less than \$3 billion in 2002 (latest estimate available). This represented \$0.006 per passenger mile, a small fraction of the total airline revenues of \$0.12 per passenger mile. In contrast, the federal subsidy to Amtrak was \$0.159 per passenger mile in 2002, more than the total airline revenue per passenger mile (subsidies from www.bts.gov/programs/federal_subsidies_to_passenger_transportation/, airline revenues from *National Transportation Statistics*). A \$5 billion program of one-time assistance to airlines was established to compensate for the losses arising from the 9-11 terrorist attack, which is more properly considered compensation for a virtual act of war than a subsidy (assistance to New York City transportation authorities for 9-11 related damages should be similarly considered).

³⁸¹ EIS/EIR Table 2.5-1. The Highway Alternative was developed by CHSRA based upon 2020 traffic projections using 2003 costs. This was the full system operation planning horizon year at the time of the "alternatives" analysis and has not been fully updated. Thus, the assumption was that the entire HSR system would be in operation in 2020. The HSR planning horizon year has since been changed to 2030 from 2020. The traffic projections have been updated only in Northern California and the "alternatives" analysis has not been updated. As a result, this analysis uses the 2020 data, except where later representative data is available. As in the case of the CHSRA analysis, this analysis assumes that the *entire* HSR system would be in operation under either the 2020 or 2030 traffic projections.

³⁸² "Lane-miles" is standard terminology in denoting a single, one-way lane for a mile. Thus, if a freeway were expanded by a single lane in each direction, over each mile two lane-miles would be added.

³⁸³ Figures extended to 2040 to show longer term impact of HSR (beyond 2030, when the full system is in operation).

³⁸⁴ Calculation: $2.5\%/1.4\% = 1.7$ years (HSR impact divided by annual traffic growth rate).

³⁸⁵ This can be a confusing table and is shown to demonstrate that not even CHSRA claims that the HSR alternative would reduce traffic congestion more than the Highway Alternative.

³⁸⁶ As measured by the volume-capacity ratio. The volume-capacity ratio measures the traffic on a roadway relative to its capacity. A value of 1.00 means that a roadway is operating at capacity. A value above 1.00 means that the traffic is above capacity and that there is significant traffic congestion. A value below 1.00 means that the roadway has less traffic than its capacity.

³⁸⁷ Using the 2003 CHSRA costs, the Highway Alternative costs \$2.4 billion for each percentage point reduction in congestion (\$66 billion divided by a 27 point reduction in the volume/capacity ratio), while HSR costs \$7.4 billion (\$37 billion divided by a 5 point reduction in the volume/capacity ratio).

³⁸⁸ Estimated from Caltrans traffic count data for 2005, comparing vehicle miles in segments impacted by HSR (as identified in the EIS/EIR) to the total vehicle miles on the state highway system (from FHWA).

³⁸⁹ Calculation: $2.3\% \times 23\% = 0.6\%$. Little traffic diversion would occur on local roadways, which means even the 0.6% figure is generous. On the other hand, it is possible that off-peak diversion by HSR would be greater than peak. It seems highly unlikely that the difference, however would be enough to raise the traffic reduction to a figure approaching 2.3 percent.

³⁹⁰ The "level of service" is a categorization of the volume-capacity ratio. Level of service "A" occurs when traffic volumes are 60% or less of roadway capacity. Level of service "B" is from over 60% to 70% of capacity. Level of service "C" is from over 70% to 80% of capacity. Level of service "D" is from over 80% to 90% of capacity. Level of service "E" is from over 90% to 100% of capacity. Level of service "F" is from over 100% of roadway capacity. A total of 18 segments were evaluated in the NCEIS. In one case there was an improvement in the level of service, however CHSRA attributes that change to roadway expansion, not HSR (NCEIS Table 3.1-2).

³⁹¹ In fact, many California roadways operate above 80% capacity and even at 100% capacity today, yet are not being expanded.

³⁹² EIS/EIR Table 3.1-A-6.

³⁹³ NCEIS Table 3.1-2.

³⁹⁴ Estimated applying FHWA lane mile cost estimates (2000 inflated to 2003, using the Caltrans Construction Cost Index) to the roadway segments proposed for expansion by CHSRA. Like the CHSRA estimate, the Due Diligence estimate is expressed in 2003\$. The 2002 cost base is used and inflated to 2003, using the Caltrans "Price Index for Selected Highway Construction Items," www.dot.ca.gov/hq/csc/oe/contract_progress/exhibitA.pdf.

³⁹⁵ NCEIS, Table 3.1-3.

³⁹⁶ This is a generous estimate. Calculation: 1.7 years divided by 30 year discount period = 5.8% .

³⁹⁷ At the exaggerated CHSRA costs, the attributable cost of the HSR Highway Alternative would be \$3.2 billion.

³⁹⁸ California High-Speed Rail Authority, *Fly California . . . without ever leaving the ground*, undated, www.cahighspeedrail.ca.gov/eir_final/pdf/EIR-EIS_brochure_8-2005.pdf, p. 2.

³⁹⁹ USDOT, Domestic Airfares, Second quarter data, all years.

⁴⁰⁰ Calculated from National Transportation Statistics, Table 1-34 (2008).

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- ⁴⁰¹ At the CHSRA projection rate, airline volumes within California should have been at least 20% higher than in 2000. Volumes were nearly 12 percent lower.
- ⁴⁰² Los Angeles, Glendale-Burbank, Santa Ana, Long Beach and Ontario airports. Calculated from airport statistics at www.scag.ca.gov/aviation/.
- ⁴⁰³ Calculated from San Francisco International Airport data.
- ⁴⁰⁴ Calculated from Oakland International Airport data.
- ⁴⁰⁵ Sources: Calculated from USDOT data, CHSRA projections.
- ⁴⁰⁶ Calculated from NCEIS page 3.2-24
- ⁴⁰⁷ July 2007 Tokyo-Osaka air passengers calculated from data in Central Japan Railway, *Data Book 2007*, page 14 (english.jr-central.co.jp/company/data_book.html). U.S. airline market data for 2007, 3d quarter from ostpxweb.dot.gov/aviation/domfares/table1073.csv).
- ⁴⁰⁸ Schedule consulted for September 18, 2008. www.eskyguide.com.
- ⁴⁰⁹ Schedule consulted for September 18, 2008. www.eskyguide.com.
- ⁴¹⁰ Author's examination of Air France timetables in the Air France Library, Paris.
- ⁴¹¹ Schedule consulted for September 18, 2008. www.eskyguide.com.
- ⁴¹² Schedule consulted for September 18, 2008. www.eskyguide.com.
- ⁴¹³ Viggo Butler and Robert W. Poole, Jr., *Increasing Airport Capacity Without Increasing Airport Size*, Policy Study No. 368, (Los Angeles: Reason Foundation, March 2008), www.reason.org/ps368.pdf, pp. 25–26. These technologies collectively are generally called the NextGen system.
- ⁴¹⁴ Ibid. Other new technologies include Automatic Dependent Surveillance-Broadcast, Wide Area Augmentation System, Continuous Descent Approach and Surface Area Movement Management and managing flight through wake turbulence.
- ⁴¹⁵ "Regional Aviation Plan for the 2004 Regional Transportation Plan," Southern California Association of Governments, April 2004.
- ⁴¹⁶ Los Angeles World Airports is the airport agency of the city of Los Angeles, which administers LAX, Ontario and Palmdale airports, as well as other airports not engaged in certificated airline service.
- ⁴¹⁷ A Glendale to Palmdale tunnel would cost \$2.3 billion and would be self-supporting from tolls; see www.reason.org/ps324.pdf. Maglev would cost from \$8.2 billion to \$11.9 billion; see www.scag.ca.gov/Maglev/pdf/lax_palmdale.pdf.
- ⁴¹⁸ See for example, www.sandag.org/index.asp?projectid=291&fuseaction=projects.detail and www.scag.ca.gov/rtptac/pdf/2007/tac082707_4_1.pdf. Also see www.reason.org/ps324.pdf, pp.13–16.
- ⁴¹⁹ www.mtc.ca.gov/planning/air_plan/RASP_FinalReport.pdf, p.32
- ⁴²⁰ More than 80 percent of greenhouse gas emissions in California are CO₂, www.energy.ca.gov/2006publications/CEC-600-2006-013/CEC-600-2006-013-SF.PDF, p5.
- ⁴²¹ CHSRA, *The High Speed Train is Earth Friendly*, www.highspeedtrainsforca.com/PDFFiles/EIR%20intro3.pdf. CHSRA documents and officials

- have variously used "pounds" and "tons" to characterize anticipated CO₂ reductions. The international parlance is "tons" and the use of "pounds" tends make the impact look larger.
- ⁴²² CHSRA, *California High Speed Train*, package presented to the Senate Transportation and Housing Committee, January 11, 2008, page 13.
- ⁴²³ CHSRA claims on greenhouse gas emissions have been inconsistent. Upon the signing of AB 3034, CHSRA Chairman Quentin Kopp issued a statement to the effect that HSR would reduce CO₂ emissions by 12 billion pounds, which is the equivalent of 5.4 million tons, a figure that is nearly 80 percent higher than the 3.1 million ton figure indicated in the correction to the NCEIS more than two months earlier (Addendum/Errata to NCEIS, Table 3.3-7).
- ⁴²⁴ All references to tons are metric tons. A metric ton is 1.10 U.S. tons.
- ⁴²⁵ Terry Barker, Igor Bashmakov, et al., "Mitigation from a cross-sectoral perspective," Intergovernmental Panel on Climate Change, 2008, www.ipcc.ch/pdf/assessment-report/ar4/wg3/ar4-wg3-chapter11.pdf, p. 621.
- ⁴²⁶ By comparison, carbon offsets can be purchased for \$10 to \$12 per ton of carbon dioxide (www.carbonfund.org/site/pages/carbon_calculators/), a fraction the IPCC ceiling. Governor Schwarzenegger, Speaker of the House of Representatives and San Francisco Congresswoman Nancy Pelosi and former Vice-President Al Gore have purchased such offsets to compensate for their use of air travel; see for example: www.nativeenergy.com/pages/individuals/3.php, www.pacificforest.org/news/pdf/Gov-ERS-Purchase-PR-12-3-07.pdf, www.pacificforest.org/news/pdf/PelosiPRfinal.pdf.
- ⁴²⁷ McKinsey notes that this can be accomplished while "maintaining comparable levels of consumer utility," which means, "no change in thermostat settings or appliance use, no downsizing of vehicles, home or commercial space and traveling the same mileage" (though McKinsey envisions car mileage improvements more substantial than called for in the recent federal energy bill). *Reducing U.S. Greenhouse Gas Emissions: How Much at What Cost?* McKinsey & Company, The Conference Board, Executive Report, December 2007, www.mckinsey.com/clientservice/ccsi/pdf/US_ghg_final_report.pdf, p. ix. This report was co-sponsored by Environmental Defense Fund, the Natural Resources Defense Council (NRDC), Shell, National Grid, DTE Energy and Honeywell.
- ⁴²⁸ Calculated from McKinsey.
- ⁴²⁹ CO₂e means 'carbon dioxide equivalent.' This is the international standard for measuring GHGs. GHGs other than CO₂ are converted into CO₂e based upon their "global warming potential."
- ⁴³⁰ U.S. Department of Energy, Energy Information Administration, www.eia.doe.gov/oiat/1605/ggrrpt/.
- ⁴³¹ Throughout the international literature on GHG emission reduction, there is considerable concern about the most cost-effective achievement.
- ⁴³² Including transmission losses.
- ⁴³³ The CO₂ reduction of 8.7 tons cited in the CHSRA testimony to the state Senate Transportation and Housing Committee was above the 8.0 million ton reduction reported in the Draft NCEIS (calculated from daily figure in Table 3.3-11), which was current at the time (January 2008).
- ⁴³⁴ NCEIS, p. 3.5-15.
- ⁴³⁵ www.arb.ca.gov/cc/ccms/ccms.htm.

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- ⁴³⁶ www.arb.ca.gov/newsrel/nr050808b.htm.
- ⁴³⁷ www.eia.doe.gov/oiaf/aeo/index.html.
- ⁴³⁸ Calculated from data in the U.S. Department of Energy, Energy Information Administration, *2008 Annual Energy Outlook*, Reference Case. This figure may be overly conservative. The McKinsey & Company report (www.mckinsey.com/client-service/ccsi/pdf/US_ghg_final_report.pdf) indicates that average fuel economy could approach 45 miles per gallon by 2030. General Motors data indicates that new hybrid electric automobile technology, to be on sale early in the next decade, could average more than 50 miles per gallon; gm-volt.com/chevy-volt-faqs/.
- ⁴³⁹ For example, the International Air Transport Association notes that the industry intends to improve fuel efficiency by 25 percent (which would also mean a 25 percent reduction in GHG emissions). See: www.iata.org/whatwedo/environment/climate_change.htm.
- ⁴⁴⁰ NCEIS Table 3.2-9.
- ⁴⁴¹ NCEIS Table 3.1-2.
- ⁴⁴² See cahighspeedrail.ca.gov/images/chsr/20080630134004_HSR_Addendum_Revisions%20to%20FEIR_Jun08.pdf, p. 3.1-2.
- ⁴⁴³ No analysis is provided of the CHSRA 2030 High Ridership Scenario. CHSRA provides insufficient information for such an analysis to be performed. Moreover, the CHSRA 2030 High Ridership Scenario is considered so absurdly optimistic as to be highly improbable.
- ⁴⁴⁴ Calculated from Addendum/Errata to NCEIS, Table 3.3-7, www.cahighspeedrail.ca.gov/images/chsr/20080630134004_HSR_Addendum_Revisions%20to%20FEIR_Jun08.pdf.
- ⁴⁴⁵ The airfares are based upon the 2005 average fare using U.S. DOT data for California markets at approximately \$100. The expected incremental automobile operating expense per mile of \$0.17 is assumed for automobiles. (Incremental costs include gasoline, repairs, tires, but exclude ownership and insurance expenses, which would not be reduced by using HSR.) The basis of this cost estimate is the average cost per vehicle mile from the U.S. Department of Labor Bureau of Labor Statistics (BLS) Consumer Expenditure report for 2005. Other higher figures might be obtained from widely publicized sources such as the American Automobile Association (AAA) and Hertz Car Rental. The AAA and Hertz figures, however, ASSUME much earlier retirement of autos than the actual experience, which is better reflected in the BLS data, and is adjusted for the anticipated improvement in fuel economy as projected by the U.S. Department of Energy. Capital costs are discounted at 7 percent over 30 years. Cost annualization methodology and discount factor from U.S. Office of Management and Budget Circular A-94, "Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs," October 29, 1992; www.whitehouse.gov/omb/circulars/a094/a094.pdf.
- ⁴⁴⁶ www.cahighspeedrail.ca.gov/images/chsr/20080630134004_HSR_Addendum_Revisions%20to%20FEIR_Jun08.pdf, Calculated from data in Tables 3.3-4, 3.3-5, 3.3-7.
- ⁴⁴⁷ In-state electricity generation, which accounted for 78 percent of the 2005 total electrical supply, is fueled by natural gas (38 percent); nuclear sources (14 percent); coal (20 percent); large hydroelectric resources (20 percent); and renewable resources (11 percent), including wind, solar, and geothermal. Electricity imports in 2005 accounted for 22% of total production. See NCEIS, p. 3.5-7.
- ⁴⁴⁸ 2008\$ are used in the CO₂ analysis and the Due Diligence Projections (financial) that follow.

- ⁴⁴⁹ www.arb.ca.gov/cc/scopingplan/document/draftscopingplan.pdf
- ⁴⁵⁰ CARB estimates will be higher to the extent that CHSRA ridership estimates are erroneously optimistic.
- ⁴⁵¹ See www.mckinsey.com/client-service/ccsi/pdf/US_ghg_final_report.pdf.
- ⁴⁵² Calculated from wardsauto.com/keydata/.
- ⁴⁵³ Until release of the errata document (June 2008), CHSRA had maintained that the energy consumption in construction would be paid back in one year (NCEIS 3.5-6). This is not atypical of what could be characterized as "wild fluctuations" in CHSRA data. As in the case of the revised, much lower CO₂ emission estimates, it would seem that this significant change would have justified notification to the public from CHSRA. www.cahighspeedrail.ca.gov/images/chsr/20080630134004_HSR_Addendum_Revisions%20to%20FEIR_Jun08.pdf, Page 3.17-16.
- ⁴⁵⁴ Calculation: 50 percent divided by 1.5 percent equals 33.3.
- ⁴⁵⁵ The previous CHSRA figure was based on a traffic projection error according to the June 2008 NCEIS errata publication. The previous traffic volume projections had anticipated a 6.4 percent reduction in statewide traffic by 2030 due to HSR. A 35 percent combined reduction in traffic volumes was projected for San Francisco, San Mateo, Alameda and Contra Costa Counties—an amount equal to increasing BART, AC Transit, San Francisco Municipal Railway and SamTrans ridership five times with every new rider being a former auto driver. An 11 percent reduction in traffic volumes was projected for areas of the state outside the HSR corridors; of course, traffic reductions to this extent are absurd. This detail is provided because CHSRA's errata publication characterized these as "technical corrections" that were "more substantial than simple typographical errors."
- ⁴⁵⁶ The definitions of pollutants based upon the abbreviations generally used in GHG reports are as follows: NOx—Oxides of nitrogen, CO—Carbon monoxide, TOG—Total organic gases, PM—Particulate matter.
- ⁴⁵⁷ EIR/EIS, p. 3.0-1.
- ⁴⁵⁸ The news media, often a bellwether for public opinion, has expressed doubts about the HSR program. For examples, see "Boondoggle express," editorial, *Contra Costa Times*, June 12, 2008, www.contracostatimes.com/search/ci_9571277/1ADID. Also "Nowhere, fast," editorial, *San Diego Union-Tribune*, May 6, 2007, www.signonsandiego.com/uniontrib/20070506/news_lz1ed6top.html.
- ⁴⁵⁹ Railroads and regulatory agencies often establish platform standards. U.S. standards are based in great part upon the statutory provisions of the Americans with Disabilities Act and FRA guidelines. In Britain, new stations must include a "standard" platform defined as the length "long enough to accommodate the longest train formation regularly booked to stop at a platform." See HM Railway Inspectorate & Safety Policy Directorate, "HMRI's Approach to Non-Standard Station Platform Lengths and Selective Door Operation," RGD-2003-02, www.rail-reg.gov.uk/upload/pdf/rgd-2003-02.pdf, November 13, 2007.
- ⁴⁶⁰ Based on TGV platform at Avignon, France, a stop for TGV trains that operate in tandem. Measured using Google Earth imagery, earth.google.com/.
- ⁴⁶¹ NCEIS, p. 3.7-3.

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- ⁴⁶² NCEIS, pp. S-20 and 3.7-25; NCEIS, *Volume 3: Response to Comments*, letter from Pleasanton Mayor Jennifer Hosterman, p. S.25-26.
- ⁴⁶³ *The Almanac*, a newspaper covering Menlo Park, Atherton, Portola Valley, and Woodside on the San Francisco Peninsula has covered the HSR issue comprehensively in 2007 and 2008. Articles outline objections from city councils, local residents, and organizers of a group named Deraill. The content is far too extensive to list here; see the newspaper's search function at www.almanacnews.com/index.php.
- ⁴⁶⁴ Rory Brown, "On the Right Track?" *The Almanac*, February 27, 2008, www.almanacnews.com/morguepdf/2008/2008_02_27.alm.section1.pdf.
- ⁴⁶⁵ Rory Brown, "Atherton, Menlo Park councils slam plans for high-speed rail," *The Almanac*, February 6, 2008, www.almanacnews.com/story.php?story_id=5638.
- ⁴⁶⁶ Legal action based on the California Environmental Quality Act. See *Town of Atherton v. California High Speed Rail Authority*, Case No. 2008-80000022, Superior Court of California, Sacramento County, filed August 7, 2008. Also: Rory Brown, "MP, Atherton join suit against high-speed rail," *The Almanac*, August 5, 2008, www.almanacnews.com/news/show_story.php?id=2407; Will Oremus, "Peninsula cities planning suit to block bullet trains in South Bay," *The Mercury News*, August 8, 2008, www.mercurynews.com/peninsula/ci_10139005?nclink_check=1; and Michael Cabanatuan, "Suit filed over state high-speed rail project," *San Francisco Chronicle*, August 9, 2008, www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/08/09/BALT127ODF.DTL.
- ⁴⁶⁷ Diana Diamond, "Bullet trains loom for cities, But there's good news, too," *Palo Alto Daily Post*, June 26, 2008, derailhsr.com/page/daily1.htm.
- ⁴⁶⁸ Jonathan Richmond for City of Tustin, *Slicing The Cake: The Case for a Los Angeles-San Diego Bullet Train Service*, August 1983 and *Bullet Train Results Depend Upon An Error of Computation*, November 1984.
- ⁴⁶⁹ California High-Speed Rail Authority, "Environmental Impact Report / Environmental Impact Statement Regional Studies—LAX, L.A. to Orange County, San Diego," Revised Draft, July 25, 2001, pp 43 and 50.
- ⁴⁷⁰ Comment Letter AL076, Scott Reekstin, Senior planner, City of Tustin, Community Development Department, August 31, 2004, in EIR/EIS, Volume II: Response to Comments, August 2005, www.cahighspeedrail.ca.gov/images/chsr/20080130110538_ch-4_pg318-331.pdf, p. 4-326.
- ⁴⁷¹ See Tustin Legacy details at www.tustinlegacy.com/.
- ⁴⁷² See more about Tustin's school construction plans at www.tustinlegacy.com/article.cfm?id=60.
- ⁴⁷³ EIR/EIS, Volume I: Report, August 2005, www.cahighspeedrail.ca.gov/images/chsr/20080129182904_ch-6a.pdf, p. 6A-27.
- ⁴⁷⁴ In Texas, HSR opponents had another name for farmland "severance"—they called it "landlocking."
- ⁴⁷⁵ NCEIS, www.cahighspeedrail.ca.gov/images/chsr/20080529170928_Sec_3.8_AgLands.pdf, p. 3.8-1.
- ⁴⁷⁶ *Ibid.*, www.cahighspeedrail.ca.gov/images/chsr/20080129172033_ch-3_part_2.pdf, p. 3.8-14.

- ⁴⁷⁷ *Ibid.*, www.cahighspeedrail.ca.gov/images/chsr/20080529170928_Sec_3.8_AgLands.pdf, p. 3.8-1.
- ⁴⁷⁸ AB3034, p. 6.
- ⁴⁷⁹ "Oversight Hearings of the California High-Speed Rail Authority," p. 2.
- ⁴⁸⁰ Flyvbjerg et al., p. 45.
- ⁴⁸¹ In describing what appears to be the most recent capital cost estimate, the Request for Expressions of Interest documents appear to exclude the Oakland-East Bay-San Jose, Altamont Pass, Dumbarton Bridge and Irvine extensions.
- ⁴⁸² "Oversight Hearings of the California High-Speed Rail Authority," p. 3.
- ⁴⁸³ Quentin L. Kopp, Chairman, CHSRA, letter to Alan Lowenthal, Chairman of the Senate Transportation and Housing Committee, January 31, 2008, in "Oversight Hearings of the California High-Speed Rail Authority," p. 32.
- ⁴⁸⁴ REFI, p. 5.
- ⁴⁸⁵ As is noted in Financial Uncertainty, there is currently no detailed financial plan. The general plan appears to be that state bonds, private investment and federal funding would contribute one-third each to the capital costs. This approach may not be viable and other funding sources have also been mentioned, such as a sales tax, additional bond issues, and local government contributions.
- ⁴⁸⁶ Richard Rider, "California High-Speed Rail Project Dead? Not Dead Enough," *North County Times*, January 8, 2008, www.nctimes.com/articles/2008/01/09/opinion/rider/20_46_081_8_08.txt. Mr. Rider is chairman of the San Diego Tax Fighters.
- ⁴⁸⁷ Estimated using CHSRA data and the maximum projected Due Diligence Report capital cost escalation of 50 percent.
- ⁴⁸⁸ NCEIS, Volume 3: Responses to Comments, www.cahighspeedrail.ca.gov/images/chsr/20080602143948_Complete%20Volume%203%20wCover.pdf, p. 22-4.
- ⁴⁸⁹ Estimated from proposed HSR travel times, Metrolink travel times in the Los Angeles area, Caltrain Peninsula service in the Bay Area, and recognition that HSR schedules will be faster than commuter schedules even though such work will not permit HSR trains to reach their highest speeds.
- ⁴⁹⁰ Maglev trains operate considerably faster than high speed rail (up to 300 mph, or 483 kph). They are more expensive to build and there is only one in commercial operation (Shanghai Pudong Airport to the outskirts of the Shanghai central business district). Maglev lines from Hamburg to Berlin and from Munich to the airport have been cancelled, both largely due to cost overruns.
- ⁴⁹¹ NCEIS, Volume 1: Report, p. 2-19.
- ⁴⁹² Quentin Kopp, CHSRA Chairman, letter, Senate High Speed Rail Report pp. 32-33.
- ⁴⁹³ Record of Decision California High-Speed Train System," Federal Railroad Administration, November 18, 2005, www.fra.dot.gov/downloads/RRDev/hst_rod.pdf, p. 33.

Comment Letter I365 - Continued

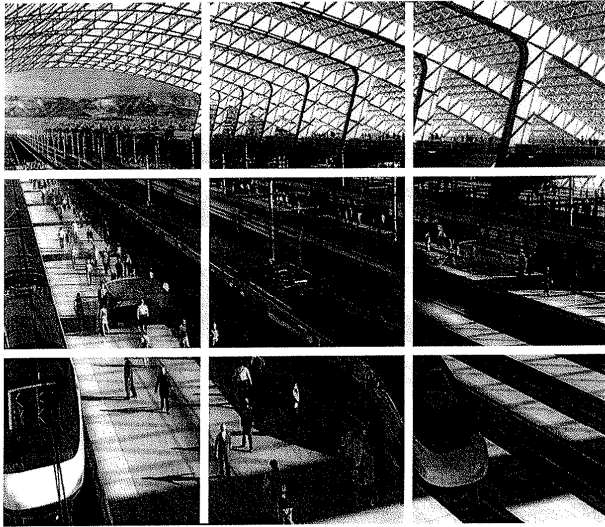
CALIFORNIA HIGH SPEED RAIL | 181

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- ⁴⁹⁴ Calculated as Los Angeles–Riverside at \$2.9 billion, Riverside–Mira Mesa at \$4.0 billion, and Mira Mesa–San Diego at \$1.2 billion. From EIR/EIS, Volume I: Report, p. 6A-31.
- ⁴⁹⁵ Comments of the CHSRA Executive Director as reported in the Minutes of the meeting of the Authority's Board of Directors, Sacramento, Calif., May 23, 2007, www.cahighspeedrail.ca.gov/images/chsr/20080121164421_052307_min.pdf, p. 5.
- ⁴⁹⁶ Dave Downey, "I-15 work triggers search for new rail route," *North County Times*, September 3, 2008, <http://www.nttimes.com/articles/2008/09/03/news/sandiego/z63081b88d1ba8d43882574b900758499.txt>
- ⁴⁹⁷ EIR/EIS, Volume I: Report, p. 6A-22.
- ⁴⁹⁸ Eric Bailey, "Proposed L.A.-to-S.F. bullet train hits a snag," *Los Angeles Times*, June 4, 2008, www.latimes.com/news/local/la-me-bullet5-2008jun05_07414713_story. Also, Michael Cabanatuan, "Union Pacific won't share with high-speed rail," *San Francisco Chronicle*, Friday, June 6, 2008, www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/06/05/BAL811319K.DTL.
- ⁴⁹⁹ The Los Angeles–San Diego 1 hour time is required in SB 1856, which would be lengthened to 1 hour, 20 minutes under AB 3034. As of the publication date, it is unknown if the governor will enact AB 3034 into law.
- ⁵⁰⁰ "The California High-Speed Train Network - The Next Steps to Construction," undated, phasing recommendations approved by the CHSRA board as reflected in the meeting minutes of May 23, 2007, p. 3. Phasing Plan is at www.cahighspeedrail.ca.gov/images/chsr/20080121165954_052307_plan.pdf, p. 3.
- ⁵⁰¹ "Record of Decision California High-Speed Train System," Federal Railroad Administration, November 18, 2005, www.fra.dot.gov/downloads/RRDev/hst_rod.pdf, p. 33.
- ⁵⁰² To be more specific, the coastal routing is via Norwalk, Fullerton, Anaheim, Orange, Santa Ana, Tustin, Irvine, Laguna Niguel/Mission Viejo, San Juan Capistrano, Capistrano Beach, San Clemente, Oceanside, Carlsbad, Leucadia, Encinitas, Cardiff-by-the-Sea, Solana Beach, and Del Mar.
- ⁵⁰³ EIR/EIS, Volume I: Report, p. 6A-26.
- ⁵⁰⁴ Association for California High-Speed Trains, untitled article on Home page at www.highspeedtrainsforca.com/default.asp. As the composition of the association's board of directors shows, it is made up primarily of consulting firms that stand to gain from system construction.
- ⁵⁰⁵ The bullet points are summarized from EIR/EIS, Volume I: Report, www.cahighspeedrail.ca.gov/images/chsr/20080129162048_ch-2.pdf, pp. 2-37, 2-38.
- ⁵⁰⁶ Ibid., p. 2-38.
- ⁵⁰⁷ U.S. Passenger Rail Technologies (Washington, D. C.: Office of Technology Assessment, OTA-STI-222, December 1983) govinfo.library.unt.edu/ota/OTA_4/DATA/1983/8327.pdf, p. 62.
- ⁵⁰⁸ George Flynn, "Wrong system, wrong reasons," *The San Diego Union*, November 14, 1984, p. A-13.

- ⁵⁰⁹ The legislation was AB 3647 and the story is told in detail by Richard Trainor, who was the author of one of the reports critical of the AHSRC; see "Process and Profits," *CounterPunch*, December 9, 2003, www.counterpunch.org/trainor/12092003.html. For later environmental developments, see George Flynn, "Bullet train review outlined by state," *The San Diego Union*, March 21, 1984, p. B-1.
- ⁵¹⁰ REFI documents, Appendix C.
- ⁵¹¹ No analysis is provided of the CHSRA 2030 High Ridership Scenario. CHSRA provides insufficient information for such an analysis to be performed. Moreover, the CHSRA 2030 High Ridership Scenario is considered so absurdly optimistic as to be highly improbable.
- ⁵¹² Private bond insurance, if it could be obtained in sufficient amounts, would increase the cost of borrowing.
- ⁵¹³ State or federal general obligation bonds would have to be paid back, but not by the HSR system.
- ⁵¹⁴ In the investor documents (Appendix C), Lehman Brothers indicates that private partners could require profit margins of 13% to 20%.
- ⁵¹⁵ Calculation: Profit \$0.90 billion divided by investment \$1.5 billion = 6%.
- ⁵¹⁶ See Section IV, Forecasting Costs.
- ⁵¹⁷ See Section IV, Forecasting Costs.
- ⁵¹⁸ Legislative Analyst's Office, July 1, 2008, "Proposition 1," pp. 2-3, www.lao.ca.gov/ballot/2008/1_11_2008.pdf.
- ⁵¹⁹ *California Debt Affordability Report*, p. 3.
- ⁵²⁰ Ibid., pp. 3-4 and p. 34.
- ⁵²¹ Calculated from US Bureau of the Census data. Excludes net international migration and the natural increase in population (births minus deaths).
- ⁵²² Flyvbjerg et al., p. 72.
- ⁵²³ REFI documents, Appendix C.
- ⁵²⁴ Senate Transportation and Housing Committee Chairman Alan Lowenthal letter to CHSRA Chairman Quentin Kopp (Senate High Speed Rail Report, p. 31)
- ⁵²⁵ www.cahighspeedrail.ca.gov/news.aspx?type=Featured%20Items.
- ⁵²⁶ Patti Reising and Ed Cavagnaro, "Interview with Rod Diridon," In Depth: High-Speed Rail," KCBS, January 21, 2008, www.kcbs.com/topic/play_window.php?audioType=Episode&audioId=1317495.
- ⁵²⁷ Quentin L. Kopp, "Another View: Let's put state on fast track to the future," *The Sacramento Bee*, June 22, 2008, www.cahighspeedrail.ca.gov/news/SacBeeKopp..pdf.
- ⁵²⁸ Patti Reising and Ed Cavagnaro.
- ⁵²⁹ California State Treasurer, *California Debt Affordability Report*, p. 3.
- ⁵³⁰ "Editorial: High-speed rail bill is back, but answers are needed before November," *The Sacramento Bee*, June 11, 2008, www.sacbee.com/110/v-print/story/1003976.html.

Comment Letter I365 - Continued

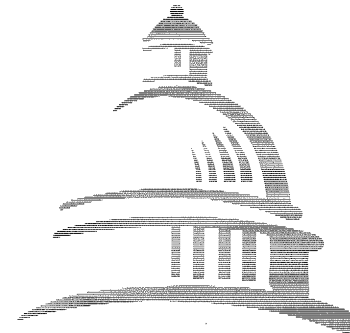


LAO
65 YEARS OF SERVICE
March 17, 2009

The High-Speed Rail Authority

LEGISLATIVE ANALYST'S OFFICE

Presented to:
Senate Transportation and Housing Committee
Hon. Alan Lowenthal, Chair



Comment Letter I365 - Continued

March 17, 2009


High-Speed Rail Authority Overview

- ☒ **Responsibility/Role.** The High-Speed Rail Authority (authority) is an independent authority tasked with planning, construction, and operation of intercity high-speed trains in California. In particular, the authority is responsible for the development of an intercity train system that can operate at speeds of 200 miles per hour (mph) or faster to connect the major metropolitan areas of California, and provide service between Northern and Southern California.
- ☒ **Staffing.** The authority currently has 9.5 authorized positions. Because it intends to maintain a minimal level of state staff, the authority proposes to perform all system development work with consultants. For 2008-09, the authority estimates it will spend roughly \$45 million on consulting services.
- ☒ **2008-09 Funding.** The 2008-09 budget appropriated a total of \$46.5 million for the operation of the authority. The sources of this funding include:
 - \$5.7 million from the Public Transportation Account.
 - \$8.2 million from Proposition 116 (2000) bond funds.
 - \$29.1 million from the High-Speed Passenger Train Bond Fund (Proposition 1A passed in November, 2008).
 - \$3 million in reimbursements.

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March 17, 2009


High-Speed Rail Authority Overview
 (Continued)

- ☒ **Proposition 1A of 2008.** In November 2008, voters approved Proposition 1A, which allows the state to sell \$9 billion in general obligation bonds to partially fund the development and construction of the high-speed train system. (Proposition 1A also authorizes \$950 million in bond funds for the improvement of other passenger rail systems in the state.)
- **Funding Constraints.** Bond proceeds cannot fund more than 50 percent of construction costs for any corridor or usable segment thereof. The remaining construction funding must come from other sources—including federal, local, or private sources. Up to 10 percent of the bond money (\$900 million) may be used for environmental review and preliminary engineering and design, while 2.5 percent of the funds (\$225 million) may be used for administrative costs.
- **Accountability Measures.** Proposition 1A specifies requirements that the authority must meet before it can request, and subsequently encumber, the bond funds for specified capital costs. Current law also requires additional accountability measures including the submission of an updated business plan and the formation of a peer review group to review project funding plans.
- **Phase I of Project.** Proposition 1A identifies the first phase of the project as the corridor between the San Francisco Transbay Terminal and the Los Angeles Union Station and Anaheim. Bond funds may be used to develop other high-speed corridors only if doing so does not adversely impact the first phase of the project.

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Comment Letter I365 - Continued

March 17, 2009

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Updated Business Plan Required

- ✓ **Revised Business Plan Required.** Current law required the authority to submit, by September 1, 2008, a revised business plan reflecting updated projections and assumptions. The plan was to be similar to a financial prospectus prepared for investors and not an advocacy document. The authority submitted the revised plan November 7, 2008.
- ✓ **Statutorily Required Elements.** The business plan was to include:
 - A description of the anticipated system as well as its primary benefits.
 - A forecast of anticipated patronage, operating, and capital costs for the system.
 - An estimate and description of the total anticipated federal, state, and other funds necessary for construction and operation.
 - A proposed chronology for construction of the eligible corridors in the system.
 - A discussion of all reasonably foreseeable risks as well as the authority's strategies, processes, or possible actions to mitigate those risks.

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Business Plan Lacks Specific Details

Business Plan Fails to Provide Many Details	
Statutory Requirements	Sample of Missing Details
Description of the anticipated system	<ul style="list-style-type: none"> • What are the expected service levels, by segment? • What is the assumed train capacity?
Forecast of patronage, operating, and capital costs	<ul style="list-style-type: none"> • How are the ridership estimates projected? • What is the operating break-even point? • How will costs be distributed by segment route?
Estimate of necessary federal, state, and local funds	<ul style="list-style-type: none"> • How would funds be secured? • What level of confidence is there for receiving each type of funding?
Proposed construction timeline for each segment	<ul style="list-style-type: none"> • What is the proposed schedule, by segment, for completing design/environmental clearance? • For beginning/completing construction?
Discussion of risks and mitigation strategies	<ul style="list-style-type: none"> • How would each type of risk impact the project? • What specific mitigation strategies are planned to be deployed?

- ✓ **Plan Lacks Specifics.** The information provided by the revised plan is very general and does not provide specifics that are included in typical business plans. In particular, the plan does not provide any better sense of how the authority would accomplish the objective of developing, constructing, and operating a high-speed rail system.
- ✓ **Legislature Should Require More Details From Authority.** Before bond funds are appropriated for 2009-10, more specific information should be provided including, at a minimum:
 - System details, such as route selection and anticipated ridership levels by phase.
 - A thorough description of the steps being pursued to secure financing, both at the federal and private level.
 - A timeline with specific, achievable milestones for each phase of the project.
 - In-depth discussions of what strategies the authority would pursue to mitigate the project's various risks and threats.

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Comment Letter I365 - Continued

March 17, 2009



Accountability Requirements

- ☒ **Statutory Requirements.** Current law includes several accountability requirements related to the use of Proposition 1A bond funds for capital costs. These include:
 - **Detailed Funding Plan.** At least 90 days prior to the initial request for bond funds to be appropriated for capital costs on each corridor (or segment), the authority must submit a detailed funding plan to the Legislature, Department of Finance (DOF), and peer review group. The peer review group must evaluate and prepare an independent assessment of the feasibility and reasonableness of the funding plan, as well as the appropriateness of any assumptions, analyses, and estimates relating to that plan.
 - **Updated Funding Plan and Independent Financial Report.** Before appropriated bond funds can be committed, the authority must submit an updated funding plan to both DOF and the Joint Legislative Budget Committee. The authority must also provide a report prepared by an independent financial services firm or consultant indicating that construction can be completed as proposed, the corridor would be suitable and ready for high-speed train operation, service providers can begin using the tracks upon completion, and the planned service will not require an operating subsidy. ✱
- ☒ **Requirements Do Not Apply to Noncapital Costs.** Current law does not include any specific accountability requirements for the use of Proposition 1A funds for noncapital costs. There are also no accountability provisions relating to any additional state or federal funds spent on the project.

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March 17, 2009



Additional Measures To Increase Accountability

- ☒ **Project Selection Criteria Should Encourage Immediate Mobility Benefits.** The authority plans to commit the majority of the Proposition 1A bond funds early in the project. It is important that the funds be spent on projects that benefit the state's overall transportation system in case the high-speed train program is delayed or suspended. We recommend that the authority be required to adopt project selection criteria that prioritizes the use of bond funds to the delivery of projects with the greatest immediate mobility benefits.
- ☒ **Annual Reporting.** In order to ensure that all public funds are being spent effectively once appropriated and committed, we recommend the enactment of legislation directing the authority to report annually to the Legislature. The report should include, at a minimum:
 - A plan identifying what work has been accomplished and what work is anticipated in the budget year.
 - Program funding status and projected funding sources (specifically state and federal funding) for the budget and future years, by segment. ✱
 - Future contract obligations and expected schedule of costs.
 - A timeline including baseline comparisons from prior years and any projected adjustments.
 - Any changes in planning or financial assumptions that may improve or hinder the progress of the project.
- ☒ **Hold Joint Legislative Hearings.** We further recommend that the policy committees and budget subcommittees of the Legislature hold periodic joint hearings in which the authority report on the use of bond funds, the availability of other funds, and the timeliness of project delivery.

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Comment Letter I365 - Continued

March 17, 2009



2009-10 Budget Requests

Proposed 2009-10 Contracts for High-Speed Rail Authority	
(In Millions)	
	2009-10
Project-level design and environmental review	\$95.0
Program management services	22.6
Financial plan and public-private partnership program	2.0
New ridership and revenue forecasts	2.0
Other miscellaneous contracts	1.4
Total	\$123.0

- ☒ **Budget Requests.** The Governor's budget requests \$125 million in Proposition 1A bond money to fund the authority's activities in 2009-10. No federal or other state funds are included in the budget. The requested amount includes:
- \$123 million for various consulting contracts.
 - \$2.2 million for administrative costs.

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March 17, 2009



Budget Requests Lack Justification

- ☒ **Lack of Justification for Contract Amounts.** While the general types of proposed contract work appear reasonable, the authority provides almost no justification for the specific amounts requested for each contract. For instance, no information was provided on the work to be accomplished over the budget year, nor how that work fits into the total development of the system.
- **More Contract Details Needed.** Before the Legislature decides on the amount of contract funding to appropriate for 2009-10, the authority should provide supplemental information for each proposed contract describing the amount of work to be accomplished in the budget year, and how that work fits into the overall development of the high-speed system.
- ☒ **Engineering Review Workload Not Yet Known.** The authority is requesting funding for two full-time engineers to review project design documents for legal compliance. It is unclear whether there is enough work for these engineers on a workload basis. We recommend the Legislature provide funding for the authority to contract with Caltrans to perform review of documents. This would allow time for the authority to establish the need for in-house engineers on a workload basis.

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Comment Letter I365 - Continued

March 17, 2009



**Federal Stimulus—
American Recovery and Reinvestment Act**

- ✓ **High-Speed Rail Funding.** The American Recovery and Reinvestment Act provides \$8 billion in capital assistance for high-speed rail corridors and intercity passenger rail service nationwide to be distributed as discretionary grants. The federal government defines high-speed rail as intercity passenger rail that is reasonably expected to reach speeds of 110 mph.
- ✓ **Strategic Plan.** The U.S. Secretary of Transportation has until April 18, 2009 to submit to Congress a strategic plan that describes how this funding will best be allocated to improve and deploy high-speed rail systems. Application guidelines should be available by June 17, 2009. The money is to remain available for obligation until September 30, 2012.
- ✓ **Three Eligible Rail Grant Programs.** The funds are available through three separate grant programs. Presumably, the strategic plan and interim guidance provided by the federal government will specify the amounts to be available under each program. The three programs include:
 - **High-Speed Rail Corridor Development**—Acquiring; constructing; or improving equipment, track, or facilities for the primary benefit of high-speed rail service. The California Department of Transportation (Caltrans) or the high-speed rail authority are eligible recipients of this funding.
 - **Intercity Rail Service Corridor Capital Assistance**—Rehabilitating or overhauling rolling stock and facilities used primarily in intercity passenger rail service. Caltrans is eligible to apply for this funding.
 - **Intercity Rail Congestion Grants**—Includes capital costs of facilities, infrastructure, and equipment for high-priority rail corridor projects necessary to reduce congestion or facilitate ridership growth in intercity passenger rail transportation. Caltrans or Amtrak are eligible recipients of this funding.

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**Federal Stimulus—
Legislative Considerations**

- ✓ **Influence the Strategic Plan.** The state could increase the amount of stimulus funding it receives depending on the development of the strategic plan. If the plan gives preference to higher-speed trains, or systems with available matching funds, California could increase its share of the federal stimulus funding.
- ✓ **Coordinate Effort With Caltrans.** The authority is responsible for trains that travel over 125 mph, while Caltrans is responsible for passenger train traffic at slower speeds. Additionally, two of the three grants are not available to the authority, but all are available to Caltrans. The state could benefit by coordinating the application for funds for both Caltrans' intercity rail program and the authority's capital needs.
- ✓ **Federal Funding Accountability.** Unlike the use of Proposition 1A bond funds for capital costs, current state law does not impose any accountability requirements on federal money allocated to the authority for high-speed rail development. In addition to complying with federal requirements, the Legislature should consider requiring the authority to report on federal funds in a manner similar to current law requirements for certain Proposition 1A funds. The report should include, at a minimum:
 - The projects that would be funded with any federal dollars, including stimulus funding, and any other funding (such as local funds) that may be included for each project.
 - How each project fits into the particular segment and overall construction of the system.
 - The mobility improvements each project would provide.
 - How the federal funding fits into the overall funding strategy for the high-speed train system and to what extent it fulfills the original plan for federal dollars.

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Response to Letter I365 (Joseph Thompson, March 10, 2004)

I365-1

Attachments to comment I364. See response to comment I364-1.

I365-2

Attachments to comment I364. See response to comment I364-1.

I365-3

Attachments to comment I364. See response to comment I364-1.

Comment Letter I366 (Joseph P. Thompson, March 31, 2010)

I366

California High Speed Rail Authority

THIRD
**Second Reply to CAHSRA-EIR for SF-San
Jose-Gilroy-Merced Segment:
Fly California, or Trainwreck it?**

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Public Hearing March 26, 2009 Gilroy, California

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March 31, 2010

Fax: 916-322-0827
Mr. Dan Leavitt
High Speed Rail Authority
925 L Street, Suite 1425
P. O. BOX 942874, MS-74
Sacramento, CA 95814

Re: Public Comment HSRA's Court-Ordered Amended Environmental Impact Report SF-San Jose-Gilroy-Merced

Dear Mr. Leavitt,

Thank you for allowing members of the public to comment on HSRA's Court-ordered amended EIR for the San Francisco-San Jose-Gilroy-Merced Segment.

Identity of Author. I am a graduate of San Jose State University, and have done post-doctoral study of transportation law and policy at the Mineta Institute at SJSU. I write only for myself, and not on behalf of a client or organization, but merely to express my personal reply to the amended EIR for the segment that includes Gilroy, where I have practiced law for 31 years.

Background. I here refer to and incorporate by reference my letter to you dated 3/23/09 (copy enclosed—with attachments).

Summary. Facing reality is difficult if you refuse to admit your addicted—in this case to taxpayers' subsidies for a fatally-flawed railroad. Your idea has been proven wrong by examples in history, e.g., USSR, Amtrak, Caltrain, etc. Notwithstanding history, economics, and the sorry state of this State's budget, from present to the foreseeable future, you insist on persisting with the same mistaken assumptions, same erroneous concept, same flawed scheme to run your railroad by taxing us into oblivion. Well, others have already beaten you to it, and we're flat broke, and the next generation has been decimated by radical socialist spending, and even worse for the subsequent generation. As I said to the HSRC, and to HSRA.

Conclusion. As I said previously, I believe that Secretary Mineta was right. However, HSRA's answer is wrong for California, and impossibly burdensome for its taxpayers in this and future generations. By following our predecessors' example, and having learned from their mistakes, we can have sound, sustainable HSR in California.

Caveat Viator!

Respectfully yours,

Joe Thompson
JOSEPH P. THOMPSON, ESQ.

Encl.

I366-1

Response to Letter I366 (Joseph P. Thompson, March 31, 2010)

I366-1

Background material acknowledged. The Authority disagrees with the comments regarding addiction, fatal flaws, the examples offered of failed railroads and acquisitions of socialist spending.

Comment Letter I367 (Jeff Amstutz, April 20, 2010)

I367

Kris Livingston

From: Jeff Amstutz [amstutz@garlic.com]
Sent: Wednesday, April 21, 2010 3:24 PM
To: HSR Comments
Subject: Revised EIR Commits

April 20, 2010

n Leavitt
 California High-Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814

om: Jeff Amstutz
 10545 Center Ave.
 Gilroy, CA 95020

ject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

I believe the following issues need to be addressed.

Revised Capital Costs. Why did the study deflate the capital costs of the project? In many instances the study had access to actual updated costs and did not show them with and without the 2006 deflation calculation. The Revised EIR states, "the pricing was proportioned for replacement in kind of two and four lane roadway. Pricing used to prepare the composite unit price for reconstruction of Monterey Highway was from Caltrans District 4 2009 actual project bid prices then de-inflated to Year 2006." If 2009 project bid prices were available these numbers would address actual costs.

I367-1

Cost of crossing Pacheco Pass is incorrect. With the amount of tunneling and grading needed to cross over Pacheco Pass the lack of a full geotechnical report would make it impossible to accurately estimate that section of the project.

I367-2

Operation and Maintenance Cost. These costs need to be adjusted **after** the new ridership numbers are done. **With the current ridership numbers in question it is not possible to determine the actual or even estimated cost of operation.**

I367-3

High Speed train network & alignment comparison San Jose to Gilroy.

Land Use and Planning, Communities and Neighborhoods, Property, and Environmental Justice. All rating is underestimated. Because the study hopes to utilize existing transportation corridors does not mean a project of this magnitude will not adversely affect the communities, neighborhoods, or property. Stating that the corridor East of Gilroy is mostly rural land and giving it a low rating on environmental justice shows the study did not fully understand the impacts on farming, wildlife, and the area in general.

I367-4

Aesthetics & Visual Resources. **This Rating is incorrect.** To think that the building of a new railway through South Santa Clara County with elevated tracks or at grade would only present a **low to medium** impact shows the study did not take into account the rural lifestyle of Morgan Hill, San Martin, and Gilroy.

I367-5

SAN JOSE to GILROY, UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS:

1

The study inaccurately states that without the project there will be "expansion of urban sprawl as population growth onto urban space and ag land" and shows the study's lack of research into existing growth and land use restrictions, thus changing the before and after mitigation.

I367-6

Sources used in document preparation. Study did not fully research existing Santa Clara County land use restrictions.

The revised Draft EIR attempts to minimize the fiscal/environmental impact of the proposed project on existing South Santa Clara County communities by ignoring existing land use laws and regulations that purposely inhibit development in favor of the rural atmosphere currently enjoyed by residents, farmers, and ag-related businesses. Further, projected construction and maintenance costs are unrealistic and not supported by data referenced in the report.

I367-7

I respectfully request that the Board address these issues prior to voting on the Revised Draft EIR.

Sincerely,

Jeff Amstutz

2



Response to Letter I367 (Jeff Amstutz, April 20, 2010)

I367-1

See Response to Comment I011-13.

I367-2

See Response to Comment I011-13.

I367-3

We disagree with this comment. Neither the ridership forecasts nor the project costs were issued identified by the Suprior Court for further corrective work under CEQA. The ridership forecasts utilized in the Program EIR are adequate for assessing environmental impacts at a general level of detail as well as for identifying estimated capital costs and estimated operations and maintenance costs. See Chapter 4 of the May 2008 Final Program EIR. Also see Standard Response 4 regarding the ridership forecasts.

I367-4

The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs. The ratings used for the impact analysis of land use is discussed in

both the 2008 Final Program EIR and the 2010 Revised Draft Program EIR.

I367-5

Visual impacts are not relative to lifestyle. They are analyzed against existing views and environments. The 2010 Revised Draft Program EIR considered a HST built mostly adjacent to the existing UPRR through South Santa Clara County. Building HST adjacent to the existing railway was accurately described as having a low visual impact, because it would be adding something visually similar to the existing environment. Higher, "Medium" rankings were applied to locations where the HST would be more visually apparent.

I367-6

The potential to induce sprawl was addressed in Chapter 5 of the 2008 Final Program EIR.

I367-7

See the response to Comment I367-4. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. Refer to Chapter 4, Costs and Operations, in the 2008 Final Program EIR and Chapter 5 in the 2010 Revised Draft Program EIR Material for a discussion of how capital costs and operation and maintenance costs were developed. At each stage of the project development process, estimates will be further refined based on more detailed engineering.

Comment Letter I368 (Sharon Conway-Mullis, April 26, 2010)

I368

Kris Livingston

From: Sharon Conway [sharonmconway@yahoo.com]
Sent: Monday, April 26, 2010 12:53 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR material comments
Attachments: EIR COMMENTS.doc

Please find my attached comments to the Central Valley Revised Draft Program EIR material.

Regards,
 Sharon Conway-Mullis
 Gilroy, California

April 26, 2010

California High Speed Rail Authority
 Attn: Dan Leavitt, Deputy Director
 925 L Street, Suite 1425
 Sacramento, CA 95814

Subject: Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the California High Speed Rail Authority's March 2010 Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Material. The California HST project will have a long-lasting and far-reaching impact on the City of Gilroy. I have reviewed the Revised Draft Program EIR and have the following comments:

I368-1

A. General Comments and Process:

A.1 Public Meetings

Comment A.1-1. - No scoping sessions or public meetings were held anywhere between San Jose and Merced for the Revised Draft Program EIR. South County cities were also not included in the Outreach before the Second Draft Program EIR/EIS process. The failure of the California High-Speed Rail Authority (CHSRA) to solicit comments from communities along the South County corridor during the scoping process, the EIR/EIS public review process, or the Revised Draft Program EIR process violates the public review requirements of the California Environmental Quality Act (CEQA), and renders the current Revised Draft EIR inadequate. **We are directly impacted by three of the 5 HS Rail maps (Masten Avenue cut over), and have never been contacted by any state or city officials for input or to provide us information.**

I368-2

A.2 Significant New Information

Comment A.2-1 - Significant new information exists, under many environmental parameters that makes the earlier Program EIR/EIS invalid and requires a recirculation of the Program EIR/EIS, as well as recirculation of the Revised Program EIR.

I368-3

Comment A.2-2 - The ridership and revenue modeling used for the analysis and alternatives comparison is inaccurate, particularly given the new information provided in the 2009 Business Plan update and the substantial shifts in the economy since the forecasting was last completed. **The ridership models need to be revised to provide a more accurate forecast of ridership, especially ridership originating in Gilroy.**

I368-4

Comment A.2-3 - New information on project impacts and alternatives is being discovered during the project-level environmental review for the San Francisco to San Jose and San Jose to Merced segments. This new information may indicate new or increased impacts, and new feasible alternatives or mitigation measures. The new information needs to be presented and analyzed in a revised and re-circulated environmental document.

I368-5

Comment A.2-5 - The need to evaluate impacts from Union Pacific Railroad's (UPRR) recent refusal to share it, ROW opens up the possibility of considering new alternative alignments for not only the Pacheco Pass alignments but also the Altamont Pass alignments, including an Altamont Pass alignment that would run along State Route 84 through the East Bay rather than along the UPRR ROW.

I368-6

Comment Letter I368 - Continued

Mr. Dan Leavitt
April 26, 2010
Page 2 of 3

B. Environmental Impacts and Mitigation Measures:

B.1 General Comments

Comment B.1-1 - The document fails to disclose or adequately analyze the project's potential land use and transportation impacts associated with the use of the shared Caltrain/UPRR ROW between San Francisco and San Jose, and the UPRR ROW from San Jose to Gilroy. Perhaps more importantly, the document fails to discuss the potential necessity of locating the project alignment away from either segment of this ROW, particularly in the San Jose to Gilroy segment where the UPRR owns and controls the corridor. The potential need for a new project alignment in these areas necessitates a revised analysis of project impacts.

I368-7

Comment B.1-2 - The impact discussion focuses on a corridor 50 feet to either side of the existing corridor or 50 feet to either side of the centerline of the new HST alignments. The analysis should focus on a wider corridor for impacts.

I368-8

B.2 Aesthetics and Visual Impacts

Comment B.2-1 - The Revised Program EIR fails to address a number of issues related to aesthetics and visual impacts. Many of the proposed project elements (such as an elevated railway, overhead wires, sound walls, and transmission lines) would likely have a significant visual impact, and these impacts are neither fully addressed nor sufficiently mitigated.

I368-9

Comment B.2-2 - The document fails to address the visual impacts of elevated structures and the associated 45 miles of sound walls proposed as mitigation for noise effects. These structures would represent a significant change to the visual character of the corridor. The document also fails to address the shade and shadow impacts of these proposed elevated structures and sound walls. The sound walls as proposed are inadequate to mitigate the project's noise impacts, and will likely need to be made even taller, which would have a corresponding increase in impacts on aesthetics.

I368-10

Comment B.2-3 - The document fails to address how any new vehicle or pedestrian overpasses would affect the visual environment. Such structures would be significant new elements in the visual landscape, and their visual impacts need to be addressed in the EIR.

I368-11

C.3 Agriculture

Comment C.3-1 - Direct impacts to agricultural resources would occur if the HST alignment and associated infrastructure (substations, utility lines, etc.) needed to pass through lands that are currently in agricultural use. The document fails to adequately address the loss of prime agricultural land, particularly if the proposed ROW must be relocated away from the UPRR ROW within the San Jose to Gilroy corridor. This relocation could be necessitated by UPRR's refusal to share a ROW with the HST system.

I368-12

Mr. Dan Leavitt
April 26, 2010
Page 3 of 3

Comment C.4-4 - The document does not address the wide-ranging effects of air and water emissions (pollution) and noise on biological resources, particularly wildlife and their critical habitat. The harmful effects of pollution have contributed to the listing of numerous species under the Endangered Species Act, yet the document focuses on the direct impacts associated with the loss of habitat. Habitat fragmentation and degradation are not addressed. The indirect effects of air, water, noise, and other emissions, even if they meet regulatory and/or permit thresholds, are ignored. Not all habitats are of equal importance. Certain habitats disproportionately contribute to ecosystem functioning and are analogous to keystone species. Even non-keystone habitats vary in quality with very different functional value. These nuances are ignored or overlooked, and should be the major focus of affected environmental discussions.

I368-13

Comment C.4-5 - The document fails to address the potential loss of valuable wildlife habitat, including wetlands, particularly if the proposed right-of-way must be relocated away from the Caltrain/UPRR right-of-way anywhere along the San Francisco to Gilroy corridor. Such a relocation could be necessitated by Union Pacific's refusal to share a ROW with the HST system.

I368-14

General Comments: We voted for the HS Rail and thought it was a great idea. Given the impact on Northern California (especially the South Bay), if provided the opportunity, I would change my vote. Ridership numbers are wildly inaccurate. Safety issues of putting a train traveling 150+ miles next to neighborhoods, community parks, and close to schools are not being shared with the public.

I368-15

The amount of funds the State will need to come up with for public domain for either taking property, or severely reducing property values, has not been disclosed, and is inappropriate given the current fiscal situation of California. The small horse properties that will have a train now 10 feet from their properties are in the \$1M dollar per parcel range, and there will be retribution sought for the potential land value loss.

I368-16

A much better solution to the HSR would be to put it down the middle (or to the side) of Highway 5.

I368-17

Respectfully submitted,

Sharon Conway-Mullis
10495 Garcia Lane
Gilroy, California 95020
(408)206-2810

Response to Letter I368 (Sharon Conway-Mullis, April 26, 2010)

I368-1

This comment is introductory in nature. See specific responses below.

I368-2

The Authority disagrees. South county cities have been included in noticing, scoping, and public hearings/meetings throughout the environmental process. Scoping meetings are not required at this stage of the environmental process. On December 3, 2009, the Authority approved Resolution HSRA 10-012 which rescinded the Authority's certification of the 2008 Final Program EIR, thus continuing the environmental process. Scoping meetings were held in 2005 in San Francisco, San Jose, Livermore, Oakland, Modesto, and Suisun City. See the 2008 Final Program EIR and the Preface of the Revised Final Program EIR regarding notification of the availability and public meetings for the 2005 Draft Program EIR, 2008 Final Program EIR, and the 2010 Revised Draft Program EIR Material. Public hearings were held in 2007 in San Francisco, San Jose, Livermore, Oakland, Gilroy, Merced, Stockton, and Sacramento on the 2005 Draft Program EIR.

I368-3

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I368-4

See Response to Comment I128-3.

I368-5

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I368-6

See response to comment I360-5.

I368-7

The Revised Draft Program EIR Material is specifically intended to address the final judgment in the Town of Atherton litigation. The judgment required the Authority to recirculate the EIR with a revised discussion clarifying the location of HST track between San Jose and Gilroy, impacts on surrounding businesses and residences, construction impacts on Monterey Highway and impacts on UPRR use of its right-of-way and its spurs. Chapter 2 of the Revised Draft Program EIR Material clarifies that the alignment would be adjacent to UPRR right-of-way, and not within UPRR right-of-way. Chapter 2 also includes a revised land use, traffic, aesthetics and visual quality, and cultural resources analyses in light of the clarified HST track location. Chapter 3 of the Revised Draft Program EIR Material discusses the potential need for additional property if UPRR right-of-way cannot be used for the HST system. Chapter 3 notes that San Francisco to San Jose is unique because the right-of-way is owned by Caltrain rather than UPRR. Also see Standard Response 9 and responses to comment letter O002 (UPRR comment letter).

I368-8

Chapter 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Chapter 3.7 of the May 2008 Final Program EIR discuss the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

I368-9

Impacts to aesthetics and visual resources are discussed in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Chapter 3.9 identified potential visual impacts of the HST including catenary, soundwalls, fencing, electrical substations, overcrossings, bridges, tunnel portals, walls, stations, and support facilities. As noted in Chapter 3.9, the Authority is committed to working with local agencies and communities during subsequent project-level environmental review to develop systemwide design elements that draw from the best practices worldwide and work at the project-level of design and analysis to develop context-sensitive aesthetic designs and treatments for HST infrastructure. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the

presence of the impact, the level of significance, and mitigation can only be done at the project level.

I368-10

Visual impacts related to elevated structures and soundwalls were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Shadow impacts were also identified in Chapter 3.9 of the May 2008 Final Program EIR as an issue to be analyzed at the project level. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I368-11

Visual impacts related to vehicle and pedestrian overcrossings and undercrossings were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapters 2.4 and 4.1 of the Revised Draft Program EIR Material. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I368-12

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of farmland impacts as included in the May 2008 Final Program EIR, however, because that analysis already considered land beneath a road or railroad right-of-way as potential farmland, as defined by the California Department of Conservation Farmland Mapping and

Monitoring Program. The placement of HST tracks adjacent to the UPRR right-of-way does not increase the level of impact. The mitigation strategies included in the May 2008 Final Program EIR include permanent protection for farmlands by securing easements or participating in mitigation banks, and coordination with local, state, federal, and private farmland protection programs. These strategies will be considered by the Authority for inclusion in a programmatic mitigation monitoring and reporting program, and for refining and applying in the project-level EIR/EISs as more detailed information becomes available.

I368-13

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The analysis in Chapter 3.15 also identifies the need for field reconnaissance-level surveys to be conducted as part of the future Tier 2 project-level environmental analysis. These future surveys will determine specific habitat conditions and impacts along the entire preferred HST network alternative and surrounding areas. This detailed analysis will identify specifically where there are construction and operation impacts, including noise, vibration, and potential pollution concerns, on critical wildlife corridors, wetlands, sensitive habitat, and special-status species. At the project level, alignments would be further designed to avoid or minimize potential impacts. Mitigation strategies identified at the program level will be refined and applied at the project level to mitigate significant impacts. The Authority will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential biological impacts.

I368-14

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as

requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of biological resources and wetland impacts as included in the May 2008 Final Program EIR, however, because the study area as discussed in the 2008 Final Program EIR extended out 1,000 ft in urban areas and 0.25 mile in rural areas on each side of the alignment. The impacts analysis in the 2008 Final Program EIR, therefore remains valid.

I368-15

Comment noted on Proposition 1A. See Standard Response 4 regarding ridership. The 2009 Business Plan notes the difference in ridership numbers used for investment forecasts and those used for the purpose of assessing environmental impacts and mitigation needs. See 2009 Business Plan, p. 70, fn. 20.

The ridership and revenue modeling and resulting forecasts provide an appropriate tool for the environmental analysis for which it has been used. See Standard Response 4. The 2010 Revised Final Program EIR, which includes the May 2008 Final Program EIR, discusses the impacts of the project on adjacent land uses. These issues will be examined further in more detail as part of project-level environmental documents.

I368-16

Please see Standard Responses 6 and 7.

I368-17

Comment acknowledged.

Comment Letter I369 (Michael Delmonico, April 25, 2010)

I369

Kris Livingston

From: Mike Delmonico [MDELMONICO@sccfcu.org]
Sent: Monday, April 26, 2010 11:20 AM
To: HSR Comments
Cc: 'mdelmo1330@hughes.net'
Subject: Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments
Attachments: Highspeedrail.doc

See attached comments.

Mike Delmonico

Please consider the environment before printing this email or any attachments.

This e-mail and any files transmitted with it are property of Santa Clara County FCU, are confidential, and are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retransmission, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.

April 25, 2010

California High Speed Rail Authority
Attn: Dan Leavitt, Deputy Director
925 L Street, Suite 1425
Sacramento, CA 95814

Subject: Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments

Dear Mr. Leavitt:

Please consider these comments on the California High Speed Rail Authority's March 2010 Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Material.

General Comments:

First and foremost, the voter approval on this initiative was passed on a narrow margin and was based on facts and forecasts as the basis for voter information and approval. This information is no longer relevant based on the current facts and forecasts. The original Proposition estimated ridership fees of approximately \$55 from SF to LA. The new estimate is \$200. This in itself should require another vote by the voters of California. It is ridiculous to assume that someone would pay \$200 to ride on a train when they can fly for 25% of the cost and make it in half the time. Each of the primary assumptions that voters had to base their decision, including ridership fees and volume, total project costs, impacts on communities and the environment, etc. etc. must be updated and compared to the original voter approved estimates. If the facts have changed in a material way, it needs to be sent back to the voters. If the current cost and ridership figures are correct, this project will be a train wreck and further bankrupt the State, while materially altering the quality of life for thousands of residence who reside in the path of the railway.

I369-1

You will be receiving many letters that site process problems in providing information and participation for public comment to the public and the communities that will now be affected by the project. Studies must be completed for many initiatives and conclusions from such studies must be backed up by logical and justifiable facts. Each and every requirement of disclosure and public comment must be followed or the process will be challenged.

I369-2

Living in Gilroy, east of Interstate 101, our neighborhood was shocked and appalled by the haphazard process of just drawing new track plans all through this rural community. This area consists of ranch and agricultural property with large acre plus residential parcels. It has been like that forever. The area is populated by extensive wildlife, horses, cows and other farm animals. Equestrian trails are also abundant in this area. Bringing in a multi-year construction project with thundering noise of high speed trains will ruin this environment and the quality of life. Horses will be spooked and people will be at risk when these trains pass through. This initiative was not expected to change the entire face of communities and lifestyles. The only feasible track plan is in areas that are not highly populated by homes or that leverage existing tracks such as those owned by Union Pacific Railroad.

I369-3

Comment Letter I369 - Continued

Mr. Dan Leavitt
April 25, 2010
Page 2 of 2

The current traffic from retail business in Gilroy is already very high and at the limit, including traffic to the Gilroy Outlets and Gilroy Crossing. Consideration of a large train station near the Outlets will result in constant gridlock and an inconvenience for those just travelling south on 101 in their vehicles. This will then divert vehicles through the rural two-lane back-roads to bypass the traffic. Such increased traffic on these rural roads will again aggravate the quality of life and impact on the environment while also putting people in danger by overcrowding these roads that were never meant for commuter traffic.

I369-4

In closing, while we appreciate the efforts to bring in a state-of-the-art high-speed rail system, it must make sense from a financial, economic and quality of life perspective. The current project budgets, ridership estimates and track plans do not comply with these standards and are not what was sold to the public in the ballot box.

I369-5

Sincerely,

Michael Delmonico
1330 Rucker Ave.
Gilroy, CA 95020

408 859-9233

Response to Letter I369 (Michael Delmonico, April 25, 2010)

I369-1

Comment noted as to Proposition 1A. This is not a topic area noted in the Superior Court judgment in the Town of Atherton case as requiring additional work under CEQA.

I369-2

Comment acknowledged.

I369-3

Comment acknowledged. Running HST adjacent to the UPRR right-of-way is what has been studied in the program EIRs and is also under analysis in the current project-level work. See Standard Response 9 and responses to comment letter O002 (UPRR comment letter).

I369-4

Changes in traffic volumes on surface streets located near Gilroy station and the effect of these changed traffic volumes on traffic operations on roadways and critical intersections will be evaluated in the project-level traffic impact analysis study. Detailed information and analysis of potential traffic impacts due to the proposed project including HST stations and feasible mitigation measures will be included in project-level EIR/EISs.

I369-5

Comment noted. The Authority high-speed train project that has been analyzed in the 2005 Statewide Program EIR and the current Revised Program EIR is consistent with the requirements in Proposition 1A. The ridership modeling that has been developed to date indicates sufficient ridership for the HST system to be profitable.

Comment Letter I370 (Jackie Kendrick, April 13, 2010)

I370

Kris Livingston

From: jackie kendrick [jacksonranch@hotmail.com]
Sent: Tuesday, April 13, 2010 12:46 AM
To: HSR Comments; jacksonranch@hotmail.com
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

I OPPOSE HIGH SPEED RAIL in my community. This bullet train has turned out to be a DECEPTIVE proposal to the voters in many ways, the following are reasons that I have for not supporting high speed rail in California:

- The most recent proposal presented to Gilroy is to have the High Speed Train elevated on a 30 FOOT HIGH track, it will be a neighborhood blight, separating our communities with a physical barrier. This alone will be destructive to our community as will the years of construction impacts. I370-1
- The noise level will exceed the allowable noise levels that exist in our communities, even through the night, disrupting citizens as they try to sleep. Other disturbances such as continuous vibrations are unreasonable burdens to put on citizens. In addition to health concerns due to noise disturbance there are unresolved health concerns with the high voltage towers that will run through our communities. I370-2
- The high speed rail is sure to cause more unresolved debt to California; as more and more community leaders examine this proposal they are finding that there is NOT enough evidence to support that this public transit will pay for itself -like all other public transits that do not pay for themselves. Estimates for planning parking and ridership in Gilroy, a city of 50,000 were based on Boston's ridership; as city of 620,535. The ridership estimates are clearly misrepresented by the CHRA figures. I370-3
- The HSR plan will bring financial ruin to homeowners and business owners thus the communities themselves for reasons above mentioned. With so many negative impacts it is impossible to see any benefit HSR would bring to California. Only the manufacturers of the train components and the Authority itself will reap gains and that on the backs of the citizens of California. I370-4

Sincerely,

Jackie Kendrick
 408 482 9255

The New Busy think 9 to 5 is a cute idea. Combine multiple calendars with Hotmail. [Get busy.](#)

Response to Letter I370 (Jackie Kendrick, April 13, 2010)

I370-1

Comment acknowledged.

I370-2

The comment expresses concerns about community division and blight. Comment acknowledged. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of visual and land use impacts will be conducted for the project-level EIR/EISs.

I370-3

See Standard Response 3.

More detailed information and analysis of noise, vibration, and electromagnetics fields impacts and mitigation will be included in project-level EIR/EISs.

I370-4

Comment acknowledged. The ridership modeling that has been developed to date indicates sufficient ridership for the HST system to be profitable. See Standard Response 4.

I370-5

Project benefits are noted in Chapter 5, Economic Growth and Impacts, in the 2008 Final Program EIR. An HST system would provide user benefits (travel-time savings, cost reductions, accident reductions) and accessibility improvements for California's citizens; in addition to HST travelers, travelers on other modes of transportation can accrue these user benefits, as trips are diverted from highways and airports, resulting in reduced congestion. An HST system would improve accessibility to labor and customer markets, thereby potentially improving the competitiveness of the state's industries and the overall economy. With this second effect, businesses that locate close to an HST station could operate more efficiently than businesses that locate elsewhere. Experience from overseas suggests that this competitive advantage may be quite pronounced in high-wage employment sectors that are frequently in high demand in many communities. This second effect would be much stronger with an HST project than under the No Project Alternative. See also Standard Response 6 regarding the requirements of CEQA and property values.

Comment Letter I371 (Floyd Kendrick, April 26, 2010)

I371

Kris Livingston

From: Kendrick, Floyd [Floyd.Kendrick@isi.com]
Sent: Monday, April 26, 2010 3:17 PM
To: HSR Comments
Cc: delkendrick@gmail.com
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

April 25, 2010

California High Speed Rail Authority

Attn: Dan Leavitt, Deputy Director

925 L Street, Suite 1425

Sacramento, CA 95814

Subject: Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the California High Speed Rail Authority's

March 2010 Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Material. The California HST project will have a long-lasting and far-reaching impact on the City of Gilroy. I have reviewed the Revised Draft Program EIR and have the following comments:

A. General Comments and Process:

A.1 Public Meetings

Comment A.1-1 - No scoping sessions or public meetings were held anywhere between San Jose and Merced for the Revised Draft Program EIR. South County cities were also not included in the Outreach before the Second Draft Program EIR/EIS process. The failure of the California High-Speed Rail Authority (CHSRA) to solicit comments from communities along the South County corridor during the scoping process, the EIR/EIS public review process, or the Revised Draft Program EIR process violates the public review requirements of the California Environmental Quality Act (CEQA), and renders the current Revised Draft EIR inadequate.

A.2 Significant New Information

Comment A.2-1 - Significant new information exists, under many environmental parameters that makes the earlier Program EIR/EIS invalid and requires a recirculation of the Program EIR/EIS, as well as recirculation of the Revised Program EIR.

Comment A.2-2 - The ridership and revenue modeling used for the analysis and alternatives comparison is flawed, particularly given the new information provided in the 2009 Business

Plan update and the substantial shifts in the economy since the forecasting was last completed.

The ridership models need to be revised to provide a more accurate forecast of ridership.

Comment A.2-3 - New information on project impacts and alternatives is being discovered during the project-level environmental review for the San Francisco to San Jose and San Jose to Merced segments. This new information may indicate new or increased impacts, and new feasible alternatives or mitigation measures. The new information needs to be presented and analyzed in a revised and recirculated environmental document.

Comment A.2-4 - The recently announced project to conduct a seismic retrofit of the State

Route 92 San Mateo bridge opens the possibility of placing a HST crossing in conjunction with rebuilding the bridge. The environmental document needs to be revised and recirculated to incorporate the alignment alternatives provided by this seismic retrofit project.

Comment A.2-5 - The need to evaluate impacts from Union Pacific Railroad's (UPRR) recent refusal to share it, ROW opens up the possibility of considering new alternative alignments for not only the Pacheco Pass alignments but also the Altamont Pass alignments, including an Altamont Pass alignment that would run along State Route 84 through the East Bay rather than along the UPRR ROW.

Mr. Dan Leavitt

April 25, 2010

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A.3 Limiting Scope of Comments to the Revised Draft Program EIR Inappropriately Limits the Analysis

Comment A.3-1 - Limiting the scope of comments to the Revised Materials is inappropriate

if the original analysis was flawed.

A.4 Inappropriate Listing of Supporters and Opponents

Comment A.4-1 - It is inappropriate to list the agencies and organizations who support, or have expressed concern over, the selection of the Preferred Alternative (Sections 7.3.2 and elsewhere) in the document.

B. Environmental Impacts and Mitigation Measures:

B.1 General Comments

Comment B.1-1 - The document fails to disclose or adequately analyze the project's potential land use and transportation impacts associated with the use of the shared Caltrain/UPRR ROW between San Francisco and San Jose, and the UPRR ROW from San Jose to Gilroy. Perhaps more importantly, the document fails to discuss the potential necessity of locating the project alignment away from either segment of this ROW, particularly in the San Jose to Gilroy segment where the

Comment Letter I371 - Continued

UPRR owns and controls the corridor. The potential need for a new project alignment in these areas necessitates a revised analysis of project impacts.

I371-10
cont.

Comment B.1-2 - The impact discussion focuses on a corridor 50 feet to either side of the existing corridor or 50 feet to either side of the centerline of the new HST alignments. The analysis should focus on a wider corridor for impacts. Some impacts, such as noise, can have a significant effect several hundred or even several thousand feet away from the project corridor. The impact discussion should be revised to use appropriately sized impact corridors as appropriate for each specific impact, with no corridor narrower than 500 feet to either side of the proposed HST corridor.

I371-11

Comment B.1-3 - The document uses the terms "exclusive guideway" and "shared guideway", but does not define these terms. The document further concludes in a cursory and conclusory manner that "exclusive guideway" alternatives should be rejected, and that a "shared guideway" alternative should move forward for analysis. This conclusion is inappropriate given that UPRR has stated opposition to sharing their corridor.

I371-12

B.2 Aesthetics and Visual Impacts

Comment B.2-1 - The Revised Program EIR fails to address a number of issues related to aesthetics and visual impacts. Many of the proposed project elements (such as an elevated railway, overhead wires, sound walls, and transmission lines) would likely have a significant visual impact, and these impacts are neither fully addressed nor sufficiently mitigated.

I371-13

Comment B.2-2 - The document fails to address the visual impacts of elevated structures and the associated 45 miles of sound walls proposed as mitigation for noise effects. These structures would represent a significant change to the visual character of the corridor. The document also fails to address the shade and shadow impacts of these proposed elevated

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structures and sound walls. The sound walls as proposed are inadequate to mitigate the project's noise impacts, and will likely need to be made even taller, which would have a corresponding increase in impacts on aesthetics.

I371-14

Comment B.2-3 - The document fails to address how any new vehicle or pedestrian overpasses would affect the visual environment. Such structures would be significant new elements in the visual landscape, and their visual impacts need to be addressed in the EIR.

I371-15

C.3 Agriculture

Comment C.3-1 - Direct impacts to agricultural resources would occur if the HST alignment and associated infrastructure (substations, utility lines, etc.) needed to pass through lands that are currently in agricultural use. The document fails to adequately address the loss of prime agricultural land, particularly if the proposed ROW must be relocated away from the UPRR ROW within the San Jose to Gilroy corridor. This relocation could be necessitated by UPRR's refusal to share a ROW with the HST system.

I371-16

3

C.4 Biological Resources

Comment C.4.1 - Statements such as those on page 7-13 (second paragraph, lines 4-7) ... "That the preferred alternative to San Francisco would have slightly less potential impacts on wetlands (15.6 ac vs. 17A ac), waterbodies (3.8 ac vs: 4.5 ac), and streams (20,276 linear ft. vs. 21,788 linear ft), but would have slightly more potential impacts on floodplains (520.6 ac VS. 477.5 ac) and species (plant and wildlife) ... " are not very helpful without knowing something about the current quality, trends, susceptibility, and other threats (cumulative or otherwise) to these resources. An attempt to look at these from a landscape point of view should be considered. Just providing disturbed acreage estimates can be very misleading, and could support or lead to incorrect conclusions about the comparative severity of impacts between alternatives.

I371-17

Comment C.4.2 - It is a mistake to equate only miles of disturbance with environmental impacts: For example, on page 7-15, second paragraph, lines 5-8, the document states, "However, this alternative has greater environmental impacts ... since it requires nearly 38 additional miles of HST alignment to be constructed along the east bay" and repeats this statement on page 7-15, third paragraph, lines 5-7. The severity of the environmental impact depends on what biological resources are encountered in those 38 additional miles, and what is encountered in the original alignment before the 38 miles are added on. Similarly, the impacts depend on the nature/severity of the impacts encountered. One significant impact in a short stretch of alignment would have more weight than several, or indeed many, less than significant impacts in a longer stretch of alignment.

I371-18

Comment C.4.3 - The document perpetuates a common error in only considering threatened and endangered species (T&E species). EIRs and EISs are not environmental compliance documents. They are environmental impact assessment documents. Yet there is no consideration of the potential for impacts to many non-T &E species, especially keystone species, particularly in terms of habitat loss and fragmentation.

I371-19

Comment C.4.4 - The document does not address the wide-ranging effects of air and water emissions (pollution) and noise on biological resources, particularly wildlife and their critical habitat. The harmful effects of pollution have contributed to the listing of numerous species under the Endangered Species Act, yet the document focuses on the direct impacts associated

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with the loss of habitat. Habitat fragmentation and degradation are not addressed. The indirect effects of air, water, noise, and other emissions, even if they meet regulatory and/or permit thresholds, are ignored. Not all habitats are of equal importance. Certain habitats disproportionately contribute to ecosystem functioning and are analogous to keystone species. Even non-keystone habitats vary in quality with very different functional value. These nuances are ignored or overlooked, and should be the major focus of affected environmental discussions.

I371-20

Comment C.4.5 - The document fails to address the potential loss of valuable wildlife habitat, including wetlands, particularly if the proposed right-of-way must be relocated away from the Caltrain/UPRR right-of-way anywhere along the San Francisco to Gilroy corridor. Such a relocation could be necessitated by Union Pacific's refusal to share a ROW with the HST system.

I371-21

4

Comment Letter I371 - Continued

Respectfully submitted,

Floyd "Del" Kendrick

1035 Rucker Ave

Gilroy, CA

Response to Letter I371 (Floyd Kendrick, April 26, 2010)

I371-1

This comment is introductory in nature. See specific responses below.

I371-2

The Authority disagrees. South county cities have been included in noticing, scoping, and public hearings/meetings throughout the environmental process. Scoping meetings are not required at this stage of the environmental process. On December 3, 2009, the Authority approved Resolution HSRA 10-012 which rescinded the Authority's certification of the 2008 Final Program EIR, thus continuing the environmental process. Scoping meetings were held in 2005 in San Francisco, San Jose, Livermore, Oakland, Modesto, and Suisun City. See the 2008 Final Program EIR and the Preface of the Revised Final Program EIR regarding notification of the availability and public meetings for the 2005 Draft Program EIR, 2008 Final Program EIR, and the 2010 Revised Draft Program EIR Material. Public hearings were held in 2007 in San Francisco, San Jose, Livermore, Oakland, Gilroy, Merced, Stockton, and Sacramento on the 2005 Draft Program EIR.

I371-3

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I371-4

See Response to Comment I128-3. The ridership and revenue modeling and resulting forecasts provide an appropriate tool for the

environmental analysis for which it has been used, including forecasts of potential ridership originating in Gilroy. See Standard Response 4.

I371-5

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I371-6

According to Bay Area Toll Authority documents, widening of the San Mateo bridge was completed in 2003 and Caltrans completed a bridge retrofit in 2000.

I371-7

See response to comment I360-5.

I371-8

The Authority disagrees that limiting the scope of comments to the Revised Draft Program EIR Material is inappropriate. The Authority requested that members of the public focus their comments on the new information and analysis contained in the Revised Draft EIR Material and stated that the Authority's legal obligation extended to responding only to those comments related to the new materials. The Authority's request is based on CEQA Guidelines section 15088.5, applicable to situations like the current one where a lead agency must revise and recirculate only a portion of a prior Final EIR. The current EIR process is specifically intended to comply with the judgment from the Town of Atherton litigation and that

judgment found that only those issues in the revised materials required further CEQA compliance.

I371-9

The May 2008 Final Program EIR summarized support for the Pacheco Pass network alternatives and the Altamont Pass network alternatives. The Revised Draft Program EIR Material included an updated version of this information based on input received through March 2010. This information was provided to the public and the decision-makers to identify the wide divergence of opinion with and the controversy over which pass for the HST system should connect the Bay Area to the Central Valley.

I371-10

The Revised Draft Program EIR Material is specifically intended to address the final judgment in the Town of Atherton litigation. The judgment required the Authority to recirculate the EIR with a revised discussion clarifying the location of HST track between San Jose and Gilroy, impacts on surrounding businesses and residences, construction impacts on Monterey Highway and impacts on UPRR use of its right-of-way and its spurs. Chapter 2 of the Revised Draft Program EIR Material clarifies that the alignment would be adjacent to UPRR right-of-way, and not within UPRR right-of-way. Chapter 2 also includes a revised land use, traffic, aesthetics and visual quality, and cultural resources analyses in light of the clarified HST track location. Chapter 3 of the Revised Draft Program EIR Material discusses the potential need for additional property if UPRR right-of-way cannot be used for the HST system. Chapter 3 notes that San Francisco to San Jose is unique because the right-of-way is owned by Caltrain rather than UPRR. Also see Standard Response 9 and responses to comment letter O002 (UPRR comment letter).

I371-11

Chapter 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Chapter 3.7 of the May 2008 Final Program EIR discuss the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the

centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

I371-12

The use of "exclusive guideway" and "shared guideway" are discussed in Chapter 2, Alternatives, in the 2005 Final Statewide Program EIR. The reasons for removing alternatives, some with exclusive guideway, are documented in Chapter 2 of the Final Statewide Program EIR and Appendix 2-G of the 2008 Final Program EIR. Regarding UPRR's position on sharing its right-of-way, please see Standard Response 9.

I371-13

Impacts to aesthetics and visual resources are discussed in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Chapter 3.9 identified potential visual impacts of the HST including catenary, soundwalls, fencing, electrical substations, overcrossings, bridges, tunnel portals, walls, stations, and support facilities. As noted in Chapter 3.9, the Authority is committed to working with local agencies and communities during subsequent project-level environmental review to develop systemwide design elements that draw from the best practices worldwide and work at the project-level of design and analysis to develop context-sensitive aesthetic designs and

treatments for HST infrastructure. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I371-14

Visual impacts related to elevated structures and soundwalls were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Shadow impacts were also identified in Chapter 3.9 of the May 2008 Final Program EIR as an issue to be analyzed at the project level. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I371-15

Visual impacts related to vehicle and pedestrian overcrossings and undercrossings were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapters 2.4 and 4.1 of the Revised Draft Program EIR Material. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I371-16

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of farmland impacts as included in the May 2008 Final Program EIR, however,

because that analysis already considered land beneath a road or railroad right-of-way as potential farmland, as defined by the California Department of Conservation Farmland Mapping and Monitoring Program. The placement of HST tracks adjacent to the UPRR right-of-way does not increase the level of impact. The mitigation strategies included in the May 2008 Final Program EIR include permanent protection for farmlands by securing easements or participating in mitigation banks, and coordination with local, state, federal, and private farmland protection programs. These strategies will be considered by the Authority for inclusion in a programmatic mitigation monitoring and reporting program, and for refining and applying in the project-level EIR/EISs as more detailed information becomes available.

I371-17

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 8 of the 2008 Final Program EIR and Chapter 7 of the Revised Draft Program EIR that discuss the relative environmental impact differences between preferred Pacheco Pass network alternative and the most promising Altamont Pass network alternative. Based on this information, the U.S. EPA and the U.S. Army Corps of Engineers concurred that the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008.

I371-18

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources impacts were not identified as requiring further work. Like the original Bay Area to Central Valley Program EIR, the recirculated material

involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 3.15 of the 2008 Final Program EIR. As noted in Chapter 8 of the Final Program EIR, the U.S. EPA and the U.S. Army Corps of Engineers concurred with this level of information to identify the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008. The Superior Court in the Town of Atherton case concluded that the level of detail was adequate for a Program EIR.

I371-19

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The biological analysis was based on the thresholds and criteria set in CEQA Appendix G. Impacts on nonsensitive species and habitats were not considered a criterion to base decisions of identifying a preferred alternative. Methods of impact evaluation for the project were developed with input from both state and federal resource agencies. Additional detailed information regarding potentially affected species will be provided in the subsequent project-level environmental evaluation and documentation. This information will include species descriptions, distribution, seasonal activity, range, reproduction, habitat characteristics, population status, threats, conservation status, and a detailed evaluation of effects of the project and proposed mitigation.

I371-20

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not

one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The analysis in Chapter 3.15 also identifies the need for field reconnaissance-level surveys to be conducted as part of the future Tier 2 project-level environmental analysis. These future surveys will determine specific habitat conditions and impacts along the entire preferred HST network alternative and surrounding areas. This detailed analysis will identify specifically where there are construction and operation impacts, including noise, vibration, and potential pollution concerns, on critical wildlife corridors, wetlands, sensitive habitat, and special-status species. At the project level, alignments would be further designed to avoid or minimize potential impacts. Mitigation strategies identified at the program level will be refined and applied at the project level to mitigate significant impacts. The Authority will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential biological impacts.

I371-21

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of biological resources and wetland impacts as included in the May 2008 Final Program EIR, however, because the study area as discussed in the 2008 Final Program EIR extended out 1,000 ft in urban areas and 0.25 mile in rural areas on each side of the alignment. The impacts analysis in the 2008 Final Program EIR, therefore remains valid.

Comment Letter I372 (Steve Kendrick, April 21, 2010)

I372

Kris Livingston

From: steve kendrick [u27fm2]@yahoo.com]
Sent: Wednesday, April 21, 2010 9:59 PM
To: HSR Comments
Cc: kennerley@pbworld.com; Carolyn Kendrick; allcouncilmembers@ci.gilroy.ca.us; jr.delarosa@asm.ca.gov; don.gage@bos.co.santa-clara.ca.us; rftolmach@yahoo.com; Kris Deutschman
Subject: Bay area to central valley revised draft program EIR material comments.

To: Dan Leavitt
 California High Speed Rail Authority

Bay area to central valley revised draft program EIR material comments.

I have a lot of strong concerns about the information I read in the revised draft. My property is right next to the Eastern most proposed route through Gilroy. In chapter 2 you talk about the property impacts within 50 feet of the alignments. You and I both know that there are high impacts to property even a 1000 feet away. We pay a lot of money to live in the country where it is quiet and peaceful. No one wants to live next to this train system when its finished, even less so during construction. This project would destroy my property value. Put the train in town, in a trench, where the houses are mostly rentals and not as expensive and the businesses are small enough to relocate. But out here in the country, the train would destroy peoples dream homes and their way of living.

I372-1

I am disabled and have a lot of pain that makes sleeping very hard. I am already disturbed by the S.P. train that is a mile away. Putting a train that sounds like a jet going by every few minuets on my back fence would make living here imposable. In section 3.4 it talks about the DBA level being 93db. In town this sound might dissipate after a few hundred feet because of the density of buildings, houses and trees. In the country, on elevated tracks, that sound will carry for a mile. I am also worried about the health effects of living so close to the power lines that run along the tracks.

I372-2

In section 3.9 the EIR talks about "high visual impacts". This property now enjoys views of the east and west hills. If the train is built on the east side of 101 it will destroy the views of the west hills. It will visually cut this valley in half. You might as well paint the train project pink with purple train cars.

I372-3

Please don't destroy the life I built for my family by placing tracks on the Eastern side of Gilroy.

Steve Kendrick
 1002 Rucker AV
 Gilroy CA 95020
 (408) 848-8817

Response to Letter I372 (Steve Kendrick, April 21, 2010)

I372-1

Chapter 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Chapter 3.7 of the May 2008 Final Program EIR discuss the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening. Greater detail about tunnel and trench options being considered in preliminary alternatives screening for project-level environmental documents can be found on the Authority's website.

See Standard Response 6 regarding project impacts on residential property values.

I372-2

See Standard Response 3.

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs.

I372-3

The 2010 Revised Draft Program EIR assessed impacts with an alignment along the existing Union Pacific Railroad. The project-level EIR/EIS to be undertaken will analyze impacts to the alternatives developed from Scoping meetings held in 2009, including those along US 101 in Morgan Hill, San Martin and Gilroy.

Comment Letter I373 (Carolyn Kendrick, April 23, 2010)

I373

Kris Livingston

From: Carolyn Kendrick [c2kendrick@yahoo.com]
Sent: Friday, April 23, 2010 4:55 PM
To: HSR Comments
Cc: kennerley@pbworld.com; allcouncilmembers@ci.gilroy.ca.us; senator.alquist@sen.ca.gov; jr.delarosa@asm.ca.gov; don.gage@bos.co.santa-clara.ca.us
Subject: Comments regarding the Revised Draft Environmental Impact Report (EIR)
Attachments: --static--intheclouds_b.jpg

To: Dan Leavitt

California High Speed Rail Authority

Re: Comments on the Revised Draft Environmental Impact Report (EIR)

I am writing to you and your agency with strong concerns about how the High Speed Rail (HSR) will impact the rural Gilroy community, as well as my family and home located on the East side of 101.

Here is a list of my questions, concerns and comments:

1) Why can't you run the HSR tracks adjacent to the Southern Pacific right away? This would have the least amount of impact on the community. The majority of property values are far less expensive in that area and the Southern Pacific corridor is already contaminated with train noise, unlike the East side of 101.

2) How do you plan on not disrupting and killing off the plant and wildlife (rabbits, raccoons, skunks, coyotes, fox, hawks, possums, etc.) that surround the Gilroy area?

3) How can you put up high elevated tracks with huge concrete walls that do not detract from the views we have of both the Western and Eastern Mountain ranges? How does this not divide the community in two?

4) What do the farmers do when their land, crops, and only means of making a living is taken away from them?

5) What negative impact will the construction and final product of the HSR cause in the soil and water in the areas closest to the tracks?

- | | |
|---|---------|
| 6) What are the health effects from all the construction of the HSR, as well as the high voltage towers that will run the entire line? | I373-6 |
| 7) What happens to the existing hospital, fire station, and elementary school in the area? | I373-7 |
| 8) How do you make the noise level from a train that runs approx. 220 mph acceptable to those who have to live next to it? How do you account for people who have sleeping disorders or other health issues that would make the loud noise from the HSR unacceptable? | I373-8 |
| 9) How does the vibration of the train affect the homes and people of the surrounding areas? Won't that feel and sound like a jet plane flying right over our homes? | I373-9 |
| 10) What kind of traffic congestion and road closures will the HSR cause to the community? | I373-10 |
| 11) How do you expect Gilroy to pay for a new station and parking structure when they don't have the money to do so? | I373-11 |
| 12) How did you come up with the ridership that you did and how can you prove this is correct? | I373-12 |
| 13) How often do you plan to run the trains and how much will it cost to ride it? Won't it be cheaper to fly than to ride the HSR? | I373-13 |
| 14) What plans do you have to deal with the thousands of people whose home values will plummet? Either people will not be able to sell their homes or they will lose everything – does this concern you at all? | I373-14 |
| 15) How will eminent domain be handled, who will be affected, and when will it happen? | I373-15 |

If the HRS were to become a reality in this community, running on one of the lines proposed on the East side of 101, it would literally devastate families in a way that they won't be able to recover. Please don't destroy our future here in the rural area of Gilroy!

Carolyn Kendrick
 1002 Rucker Avenue
 Gilroy, CA 95020
 408 848-8817

Response to Letter I373 (Carolyn Kendrick, April 23, 2010)

I373-1

Running HST adjacent to the Union Pacific (formerly Southern Pacific) right-of-way is what has been studied in the Program EIRs and is also under analysis in the current project-level work. Also see Standard Response 9 and responses to comment letter O002 (UPRR comment letter).

I373-2

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Impacts to biological resources and mitigation strategies were considered in Chapter 3.15 of the May 2008 Final Program EIR. The Authority is committed to using design practices such as locating the HST adjacent to existing transportation corridors and mitigation strategies such as wildlife culverts and revegetation or off-site mitigation areas to minimize biological impacts. More detailed analysis of potential impacts and specific mitigation measures will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement, and alignment variations will also be further considered.

I373-3

The 2010 Revised Draft Program EIR assessed impacts with an alignment along the existing Union Pacific Railroad. The project-level EIR/EIS to be undertaken will analyze impacts to the alternatives developed from Scoping meetings held in 2009, including those along US 101 in Morgan Hill, San Martin and Gilroy.

I373-4

See Standard Response 6.

I373-5

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Neither soils, water, or hazardous materials were one of those topics. Please see the discussion of impacts and mitigation strategies in Sections 3.13, Geology and Soils, 3.14, Hydrology and Water Resource, and 3.11, Hazardous Materials/Wastes of the 2008 Final Program EIR. Potential impacts, interpreted to mean contamination by hazardous materials, to soil and water would be evaluated during the project level environmental process. Typically no contamination would be anticipated. More detailed information and analysis will be part of a project-level EIR/EIS because the determination of impact is a product of the HST system design and can only be done at the project level. See also Standard Response 3.

I373-6

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Electromagnetic fields (EMF) was not one of those topics. Please see Chapter 3.6 of the May 2008 Final Program EIR. The analysis identified that the HST project (and its electrical supply and facilities) would have minimal electromagnetic interference (EMI)/EMF exposures at levels for which there are no documented health risks are anticipated and that EMI/EMF concerns are less than significant at the programmatic level under CEQA and not significant under NEPA. Furthermore, the Authority in the CEQA findings and the FRA in the ROD for the 2005 Statewide Program EIR/EIS adopted design practices and mitigation strategies to address potential EMI/EMF issues for the HST system to be applied and refined at the project-level in the future. It is anticipated that the use of the design practices and mitigation strategies will reduce exposure to EMFs and reduce the potential for EMI with biomedical devices to the lowest practical level.

Standard design practices for overhead catenary power supply system substations, transmission lines, and vehicles of the approved HST system include the use of appropriate materials, spacing, and, if necessary, shielding to avoid potential EMF/EMI impacts and to reduce the EMFs and EMI to a practical minimum. More detailed information and analysis on potential EMI/EMF impacts will be included in project-level environmental documents.

I373-7

See Response to Comment I156-5.

I373-8

See Standard Response 3.

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs.

I373-9

See Standard Response 3.

More detailed information and analysis of vibration impacts and mitigation will be included in project-level EIR/EISs.

I373-10

Detailed information and analysis of potential traffic impacts and feasible mitigation measures will be included in project-level EIR/EISs. More information about traffic operation conditions and road closures will be available at this stage.

I373-11

The Authority has not assumed that the City of Gilroy would pay for a HST Station or parking structure at Gilroy. Please refer to Chapter 6 of the 2008 Final Program EIR in regards to "Station Area

Development", this section discusses how cities are encouraged to use "value-capture techniques to finance and maintain station amenities and public spaces needed to create an attractive pedestrian environment" (page 6-3). Parking is expected to be at market rate and that parking structures can be financed through the private sector.

I373-12

The derivation of the ridership forecasts is explained in Chapter 2 of the May 2008 Final Program EIR. See also Standard Response 4.

I373-13

The HST system is designed to accommodate twelve trains per hour in each direction. The number of trains operating throughout the day will vary, with peaks occurring in the mornings and evenings.

Different fares have been used to test different ridership scenarios. These fares are less than comparable air fares. Please see Standard Response 4 for more information on ridership.

I373-14

See Standard Response 6 regarding property values.

I373-15

See Standard Response 7.

I373-16

This comment is conclusionary in nature. See specific responses above.

Comment Letter I374 (Tom Kruse, April 26, 2010)

I374

Kris Livingston

From: Krusewine@aol.com
Sent: Monday, April 26, 2010 3:36 PM
To: HSR Comments
Subject: HSR

HSR

The high speed rail project is not going to provide enough benefit to outweigh the impact. Please don't adopt adopt the "over riding consideration" answer to approve this project. This project is going to be built for almost all of its' length with a grade differential and the effect of that is to divide California in two with a wall. As if the elevation was not enough there will have to be fences along the corridor to make sure that it will be secure from vandals, terrorists, etc. Birds may fly over this but all other wildlife will be destined to remain on one side or the other. It is a Berlin Wall for nature and the Maginot Line as real symbol of any progress. 225 miles an hour. Five stops. Most people will ride it once for the experience but it is going to be an economic disaster over all. A goodpart of this is that people who ride this will have to arrange for other transportation when they get to the end of the line. The five cities that have stations for the HSR will be impacted in a manner that they cannot properly address in economic times like these.

I374-1

I374-2

I374-3

Sincerely
Tom Kruse
3200 Dryden Ave.
Gilroy, Ca. 95020

Response to Letter I374 (Tom Kruse, April 26, 2010)

I374-1

Comment acknowledged. We note that the Authority's 2005 Program EIR/EIS for the Statewide High-Speed Train System identified the high-speed train as providing far fewer environmental impacts than the alternative of expanding existing freeways, airports, and conventional rail systems to meet the State's future transportation demands.

I374-2

This comment states that an elevated alignment would divide California in two with a wall and fences. As noted in Chapter 3.7, Land Use, in the 2008 Final Program EIR, the San Francisco to San Jose corridor would be primarily within an existing active commuter and freight rail corridor and therefore would not constitute any new physical or psychological barriers that would divide, disrupt, or isolate neighborhoods, individuals, or community focal points in the corridor. Also, visual mitigation strategies were included in the 2008 Final Program EIR to minimize impacts of the project including using aesthetic treatments, landscaping, and design. The Authority Board committed in July 2008 to investigate profile alternatives to avoid and minimize potential impacts, including trench, tunnel, aerial, and at-grade between San Francisco and San Jose. Although the Authority has rescinded its July 2008 program decision, the commitment to examine profile alternatives has been carried forward into the project level alternatives screening.

The comment also expresses concerns about wildlife movement across the HSR alignment. Mitigation strategies to minimize impacts

on sensitive species and habitat and wildlife movement corridors are included in the 2008 Final Program EIR. These include the following:

- Construct wildlife underpasses, bridges, and/or large culverts to facilitate known wildlife movement corridors.
- Ensure that wildlife crossings are of a design, shape, and size to be sufficiently attractive to encourage wildlife use.
- Provide appropriate vegetation to wildlife overcrossings and undercrossings to afford cover and other species requirements.
- Establish functional corridors to provide connectivity to protected land zoned for uses that provide wildlife permeability.
- Design protective measures for wildlife movement corridors in consultation with resource agencies.
- Use aerial structures or tunnels to allow for unhindered crossing by wildlife.

I374-3

The program-level HST ridership analysis shows a strong ridership for the High-Speed Rail system. It is anticipated that many travelers will use the HST system as a faster option to congested road travel and expensive air travel. See Standard Response 4.

Comment Letter I375 (Connie Martin, April 26, 2010)

I375

Kris Livingston

From: Connie Martin [clm916@earthlink.net]
Sent: Monday, April 26, 2010 8:45 AM
To: HSR Comments
Subject: EIR COMMENTS2
Attachments: EIR COMMENTS2.doc

PLEASE Read this it is we truly have concerns over the HIGH SPEED RAIL!!!!

April 26, 2010

California High Speed Rail Authority
 Attn: Dan Leavitt, Deputy Director
 925 L Street, Suite 1425
 Sacramento, CA 95814

Subject: Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments

Dear Mr. Leavitt:

I know you have seen this letter before but I could not find a better way to express myself than the comments here. So I am hoping you will realize what a critical decision is being made and heed the comments below.

Thank you for the opportunity to comment on the California High Speed Rail Authority's March 2010 Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Material. The California HST project will have a long-lasting and far-reaching impact on the City of Gilroy. I have reviewed the Revised Draft Program EIR and have the following comments:

I375-1

A. General Comments and Process:

A.1 Public Meetings

Comment A.1-1. - No scoping sessions or public meetings were held anywhere between San Jose and Merced for the Revised Draft Program EIR. South County cities were also not included in the Outreach before the Second Draft Program EIR/EIS process. The failure of the California High-Speed Rail Authority (CHSRA) to solicit comments from communities along the South County corridor during the scoping process, the EIR/EIS public review process, or the Revised Draft Program EIR process violates the public review requirements of the California Environmental Quality Act (CEQA), and renders the current Revised Draft EIR inadequate.

I375-2

A.2 Significant New Information

Comment A.2-1 - Significant new information exists, under many environmental parameters that makes the earlier Program EIR/EIS invalid and requires a recirculation of the Program EIR/EIS, as well as recirculation of the Revised Program EIR.

I375-3

Comment A.2-2 - The ridership and revenue modeling used for the analysis and alternatives comparison is flawed, particularly given the new information provided in the 2009 Business Plan update and the substantial shifts in the economy since the forecasting was last completed. The ridership models need to be revised to provide a more accurate forecast of ridership.

I375-4

Comment A.2-3 - New information on project impacts and alternatives is being discovered during the project-level environmental review for the San Francisco to San Jose and San Jose to Merced segments. This new information may indicate new or increased impacts, and new feasible alternatives or mitigation measures. The new information needs to be presented and analyzed in a revised and recirculated environmental document.

I375-5

Comment A.2-4 - The recently announced project to conduct a seismic retrofit of the State Route 92 San Mateo bridge opens the possibility of placing a HST crossing in conjunction with rebuilding the bridge. The environmental document needs to be revised and recirculated to incorporate the alignment alternatives provided by this seismic retrofit project.

I375-6

Comment Letter I375 - Continued

Comment A.2-5 - The need to evaluate impacts from Union Pacific Railroad's (UPRR) recent refusal to share it, ROW opens up the possibility of considering new alternative alignments for not only the Pacheco Pass alignments but also the Altamont Pass alignments, including an Altamont Pass alignment that would run along State Route 84 through the East Bay rather than along the UPRR ROW.
Mr. Dan Leavitt
April 23, 2010
Page 2 of 4

I375-7

Comment B.2-2 - The document fails to address the visual impacts of elevated structures and the associated 45 miles of sound walls proposed as mitigation for noise effects. These structures would represent a significant change to the visual character of the corridor. The document also fails to address the shade and shadow impacts of these proposed elevated structures.
Mr. Dan Leavitt
April 23, 2010
Page 3 of 4

I375-14

A.3 Limiting Scope of Comments to the Revised Draft Program EIR Inappropriately Limits the Analysis

Comment A.3-1 - Limiting the scope of comments to the Revised Materials is inappropriate if the original analysis was flawed.

I375-8

structures and sound walls. The sound walls as proposed are inadequate to mitigate the project's noise impacts, and will likely need to be made even taller, which would have a corresponding increase in impacts on aesthetics.

A.4 Inappropriate Listing of Supporters and Opponents

Comment A.4-1 - It is inappropriate to list the agencies and organizations who support, or have expressed concern over, the selection of the Preferred Alternative (Sections 7.3.2 and elsewhere) in the document.

I375-9

Comment B.2-3 - The document fails to address how any new vehicle or pedestrian overpasses would affect the visual environment. Such structures would be significant new elements in the visual landscape, and their visual impacts need to be addressed in the EIR.

I375-15

B. Environmental Impacts and Mitigation Measures:

B.1 General Comments

Comment B.1-1 - The document fails to disclose or adequately analyze the project's potential land use and transportation impacts associated with the use of the shared Caltrain/UPRR ROW between San Francisco and San Jose, and the UPRR ROW from San Jose to Gilroy. Perhaps more importantly, the document fails to discuss the potential necessity of locating the project alignment away from either segment of this ROW, particularly in the San Jose to Gilroy segment where the UPRR owns and controls the corridor. The potential need for a new project alignment in these areas necessitates a revised analysis of project impacts.

I375-10

C.3 Agriculture

Comment C.3-1 - Direct impacts to agricultural resources would occur if the HST alignment and associated infrastructure (substations, utility lines, etc.) needed to pass through lands that are currently in agricultural use. The document fails to adequately address the loss of prime agricultural land, particularly if the proposed ROW must be relocated away from the UPRR ROW within the San Jose to Gilroy corridor. This relocation could be necessitated by UPRR's refusal to share a ROW with the HST system.

I375-16

Comment B.1-2 - The impact discussion focuses on a corridor 50 feet to either side of the existing corridor or 50 feet to either side of the centerline of the new HST alignments. The analysis should focus on a wider corridor for impacts. Some impacts, such as noise, can have a significant effect several hundred or even several thousand feet away from the project corridor. The impact discussion should be revised to use appropriately sized impact corridors as appropriate for each specific impact, with no corridor narrower than 500 feet to either side of the proposed HST corridor.

I375-11

C.4 Biological Resources

Comment C.4.1 - Statements such as those on page 7-13 (second paragraph, lines 4-7) ... "That the preferred alternative to San Francisco would have slightly less potential impacts on wetlands (15.6 ac vs. 17A ac), waterbodies (3.8 ac vs: 4.5 ac), and streams (20,276 linear ft. vs. 21,788 linear ft), but would have slightly more potential impacts on floodplains (520.6 ac VS. 477.5 ac) and species (plant and wildlife) ..." are not very helpful without knowing something about the current quality, trends, susceptibility, and other threats (cumulative or otherwise) to these resources. An attempt to look at these from a landscape point of view should be considered. Just providing disturbed acreage estimates can be very misleading, and could support or lead to incorrect conclusions about the comparative severity of impacts between alternatives.

I375-17

Comment B.1-3 - The document uses the terms "exclusive guideway" and "shared guideway", but does not define these terms. The document further concludes in a cursory and conclusory manner that "exclusive guideway" alternatives should be rejected, and that a "shared guideway" alternative should move forward for analysis. This conclusion is inappropriate given that UPRR has stated opposition to sharing their corridor.

I375-12

Comment C.4.2 - It is a mistake to equate only miles of disturbance with environmental impacts. For example, on page 7-15, second paragraph, lines 5-8, the document states, "However, this alternative has greater environmental impacts ... since it requires nearly 38 additional miles of HST alignment to be constructed along the east bay" and repeats this statement on page 7-15, third paragraph, lines 5-7. The severity of the environmental impact depends on what biological resources are encountered in those 38 additional miles, and what is encountered in the original alignment before the 38 miles are added on. Similarly, the impacts depend on the nature/severity of the impacts encountered. One significant impact in a short stretch of alignment would have more weight than several, or indeed many, less than significant impacts in a longer stretch of alignment.

I375-18

B.2 Aesthetics and Visual Impacts

Comment B.2-1 - The Revised Program EIR fails to address a number of issues related to aesthetics and visual impacts. Many of the proposed project elements (such as an elevated railway, overhead wires, sound walls, and transmission lines) would likely have a significant visual impact, and these impacts are neither fully addressed nor sufficiently mitigated.

I375-13

Comment C.4.3 - The document perpetuates a common error in only considering threatened and endangered species (T&E species). EIRs and EISs are not environmental compliance documents. They are environmental impact assessment documents. Yet there is no consideration of the potential for impacts to many non-T &E species, especially keystone species, particularly in terms of habitat loss and fragmentation.

I375-19

Comment Letter I375 - Continued

Comment C.4-4 - The document does not address the wide-ranging effects of air and water emissions (pollution) and noise on biological resources, particularly wildlife and their critical habitat. The harmful effects of pollution have contributed to the listing of numerous species under the Endangered Species Act, yet the document focuses on the direct impacts associated with the loss of habitat. Habitat fragmentation and degradation are not addressed. The indirect effects of air, water, noise, and other emissions, even if they meet regulatory and/or permit thresholds, are ignored. Not all habitats are of equal importance. Certain habitats disproportionately contribute to ecosystem functioning and are analogous to keystone species. Even non-keystone habitats vary in quality with very different functional value. These nuances are ignored or overlooked, and should be the major focus of affected environmental discussions.

I375-20

Comment C.4-5 - The document fails to address the potential loss of valuable wildlife habitat, including wetlands, particularly if the proposed right-of-way must be relocated away from the Caltrain/UPRR right-of-way anywhere along the San Francisco to Gilroy corridor. Such a relocation could be necessitated by Union Pacific's refusal to share a ROW with the HST system.

I375-21

Respectfully submitted,

Connie Martin
1000 Rucker Gilroy CA 95020

Response to Letter I375 (Connie Martin, April 26, 2010)

I375-1

This comment is introductory in nature. See specific responses below.

I375-2

The Authority disagrees. South county cities have been included in noticing, scoping, and public hearings/meetings throughout the environmental process. Scoping meetings are not required at this stage of the environmental process. On December 3, 2009, the Authority approved Resolution HSRA 10-012 which rescinded the Authority's certification of the 2008 Final Program EIR, thus continuing the environmental process. Scoping meetings were held in 2005 in San Francisco, San Jose, Livermore, Oakland, Modesto, and Suisun City. See the 2008 Final Program EIR and the Preface of the Revised Final Program EIR regarding notification of the availability and public meetings for the 2005 Draft Program EIR, 2008 Final Program EIR, and the 2010 Revised Draft Program EIR Material. Public hearings were held in 2007 in San Francisco, San Jose, Livermore, Oakland, Gilroy, Merced, Stockton, and Sacramento on the 2005 Draft Program EIR.

I375-3

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I375-4

We disagree with the comment. The ridership and revenue model provides an appropriate tool for the environmental analysis for which

it has been used. Information about subsequent ridership in the 2009 Business Plan, which was prepared for a different purpose, does not render the 2007 forecasts invalid. See Standard Response 4, explaining the differences in the ridership forecasts for environmental review versus business planning purposes. We also note that economic shifts over the last number of years do not result in a need to revise the ridership forecasts prepared in 2007 because long-range forecasts use adopted projections of employment and population from the Department of Finance and regional governments across the general business cycle and are not designed to be limited to particular types of business conditions. We note that the important factor is consistently applying future population and employment assumptions across alternative scenarios, and this was done.

I375-5

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I375-6

According to Bay Area Toll Authority documents, widening of the San Mateo bridge was completed in 2003 and Caltrans completed a bridge retrofit in 2000.

I375-7

See response to comment I360-5.

I375-8

The Authority disagrees that limiting the scope of comments to the Revised Draft Program EIR Material is inappropriate. The Authority requested that members of the public focus their comments on the new information and analysis contained in the Revised Draft EIR Material and stated that the Authority's legal obligation extended to responding only to those comments related to the new materials. The Authority's request is based on CEQA Guidelines section 15088.5, applicable to situations like the current one where a lead agency must revise and recirculate only a portion of a prior Final EIR. The current EIR process is specifically intended to comply with the judgment from the Town of Atherton litigation and that judgment found that only those issues in the revised materials required further CEQA compliance.

I375-9

The May 2008 Final Program EIR summarized support for the Pacheco Pass network alternatives and the Altamont Pass network alternatives. The Revised Draft Program EIR Material included an updated version of this information based on input received through March 2010. This information was provided to the public and the decision-makers to identify the wide divergence of opinion with and the controversy over which pass for the HST system should connect the Bay Area to the Central Valley.

I375-10

The Revised Draft Program EIR Material is specifically intended to address the final judgment in the Town of Atherton litigation. The judgment required the Authority to recirculate the EIR with a revised discussion clarifying the location of HST track between San Jose and Gilroy, impacts on surrounding businesses and residences, construction impacts on Monterey Highway and impacts on UPRR use of its right-of-way and its spurs. Chapter 2 of the Revised Draft Program EIR Material clarifies that the alignment would be adjacent to UPRR right-of-way, and not within UPRR right-of-way. Chapter 2 also includes a revised land use, traffic, aesthetics and visual quality, and cultural resources analyses in light of the clarified HST track location. Chapter 3 of the Revised Draft Program EIR Material

discusses the potential need for additional property if UPRR right-of-way cannot be used for the HST system. Chapter 3 notes that San Francisco to San Jose is unique because the right-of-way is owned by Caltrain rather than UPRR. Also see Standard Response 9 and response to comment letter O002 (UPRR comment letter).

I375-11

Chapter 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Chapter 3.7 of the May 2008 Final Program EIR discuss the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

I375-12

The use of "exclusive guideway" and "shared guideway" are discussed in Chapter 2, Alternatives, in the 2005 Final Statewide Program EIR. The reasons for removing alternatives, some with exclusive guideway, are documented in Chapter 2 of the Final Statewide Program EIR and Appendix 2-G of the 2008 Final Program EIR. Regarding UPRR's position on sharing its right-of-way, please see Standard Response 9.

I375-13

Impacts to aesthetics and visual resources are discussed in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Chapter 3.9 identified potential visual impacts of the HST including catenary, soundwalls, fencing, electrical substations, overcrossings, bridges, tunnel portals, walls, stations, and support facilities. As noted in Chapter 3.9, the Authority is committed to working with local agencies and communities during subsequent project-level environmental review to develop systemwide design elements that draw from the best practices worldwide and work at the project-level of design and analysis to develop context-sensitive aesthetic designs and treatments for HST infrastructure. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I375-14

Visual impacts related to elevated structures and soundwalls were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Shadow impacts were also identified in Chapter 3.9 of the May 2008 Final Program EIR as an issue to be analyzed at the project level. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I375-15

Visual impacts related to vehicle and pedestrian overcrossings and undercrossings were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapters 2.4 and 4.1 of the Revised Draft Program EIR Material. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to

identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I375-16

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of farmland impacts as included in the May 2008 Final Program EIR, however, because that analysis already considered land beneath a road or railroad right-of-way as potential farmland, as defined by the California Department of Conservation Farmland Mapping and Monitoring Program. The placement of HST tracks adjacent to the UPRR right-of-way does not increase the level of impact. The mitigation strategies included in the May 2008 Final Program EIR include permanent protection for farmlands by securing easements or participating in mitigation banks, and coordination with local, state, federal, and private farmland protection programs. These strategies will be considered by the Authority for inclusion in a programmatic mitigation monitoring and reporting program, and for refining and applying in the project-level EIR/EISs as more detailed information becomes available.

I375-17

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 8 of the 2008 Final Program EIR and Chapter 7 of the Revised Draft Program EIR that discuss the relative environmental impact differences between preferred Pacheco Pass network alternative and

the most promising Altamont Pass network alternative. Based on this information, the U.S. EPA and the U.S. Army Corps of Engineers concurred that the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008.

I375-18

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources impacts were not identified as requiring further work. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 3.15 of the 2008 Final Program EIR. As noted in Chapter 8 of the Final Program EIR, the U.S. EPA and the U.S. Army Corps of Engineers concurred with this level of information to identify the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008. The Superior Court in the Town of Atherton case concluded that the level of detail was adequate for a Program EIR.

I375-19

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The biological analysis was based on the thresholds and criteria set in CEQA Appendix G. Impacts on nonsensitive species and habitats were not considered a criterion to base decisions of identifying a preferred alternative. Methods of impact evaluation for the project were developed with input from both state and federal resource agencies. Additional detailed information regarding potentially affected species will be provided in the subsequent project-level environmental evaluation and

documentation. This information will include species descriptions, distribution, seasonal activity, range, reproduction, habitat characteristics, population status, threats, conservation status, and a detailed evaluation of effects of the project and proposed mitigation.

I375-20

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The analysis in Chapter 3.15 also identifies the need for field reconnaissance-level surveys to be conducted as part of the future Tier 2 project-level environmental analysis. These future surveys will determine specific habitat conditions and impacts along the entire preferred HST network alternative and surrounding areas. This detailed analysis will identify specifically where there are construction and operation impacts, including noise, vibration, and potential pollution concerns, on critical wildlife corridors, wetlands, sensitive habitat, and special-status species. At the project level, alignments would be further designed to avoid or minimize potential impacts. Mitigation strategies identified at the program level will be refined and applied at the project level to mitigate significant impacts. The Authority will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential biological impacts.

I375-21

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of biological resources and wetland impacts as included in the May 2008 Final Program EIR, however, because the study area as discussed in the

Bay Area to Central Valley High-Speed Train Revised Final Program EIR

Response to Comments from Individuals

2008 Final Program EIR extended out 1,000 ft in urban areas and 0.25 mile in rural areas on each side of the alignment. The impacts analysis in the 2008 Final Program EIR, therefore remains valid.

Comment Letter I376 (Connie Rogers, April 26, 2010)

I376

Kris Livingston

From: Jim and Connie Rogers [jrogers@garlic.com]
Sent: Monday, April 26, 2010 4:08 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments
Attachments: High Speed Rail Comments 4-26-10.doc, ATT00001.txt

Sirs:

Please accept my comments on the Bay Area to Central Valley Revised Draft Program EIR as attached.

April 26, 2010

California High Speed Rail Authority
 Attn: Dan Leavitt, Deputy Director
 925 L Street, Suite 1425
 Sacramento, CA 95814

Subject: Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments

Dear Mr. Leavitt:

I appreciate the opportunity to comment on the High Speed Rail Authority's Revised Draft Program EIR for the Bay Area to Central Valley section. Your project will have significant long-term impacts on the City of Gilroy and nearby segments. I have the following comments which apply to that area specifically:

I376-1

A. General Comments and Process:

A.1 Public Meetings

Comment A.1-1. - No scoping sessions or public meetings were held anywhere between San Jose and Merced for the Revised Draft Program EIR. South County cities were also not included in the Outreach before the Second Draft Program EIR/EIS process. This omission violates the public review requirements of the California Environmental Quality Act (CEQA), and makes the current Revised Draft EIR inadequate.

I376-2

A.2 Significant New Information

Comment A.2-1 - Significant new information exists, under many environmental parameters that makes the earlier Program EIR/EIS invalid and requires a recirculation of the Program EIR/EIS, as well as recirculation of the Revised Program EIR.

I376-3

Comment A.2-2 - Due to changes in economic conditions, the ridership and revenue models need to be revised to provide a more accurate forecast of ridership.

I376-4

Comment A.2-3 - New information on project impacts and alternatives is being discovered during the project-level environmental review for the San Francisco to San Jose and San Jose to Merced segments. This new information may indicate new or increased impacts, and new feasible alternatives or mitigation measures. The new information needs to be presented and analyzed in a revised and re-circulated environmental document.

I376-5

Comment A.2-5 - There is a critical need to evaluate impacts from Union Pacific Railroad's (UPRR) recent refusal to share their ROW. It opens up the possibility of considering new alternative alignments for not only the Pacheco Pass alignments but also the Altamont Pass alignments, including an Altamont Pass alignment that would run along State Route 84 through the East Bay rather than along the UPRR ROW. This refusal by UPRR to allow use of their ROW is unconscionable on their part. It affects the financial feasibility of HSR and creates very different social and environmental impacts to communities along the entire HSR route. I believe the Legislature or federal government should consider some type of eminent domain or legal requirement for UPRR to share their ROW, which I believe was originally granted to them by our federal government.

I376-6

Comment Letter I376 - Continued

B. Environmental Impacts and Mitigation Measures:

B.1 General Comments

Comment B.1-1 - The document fails to disclose or adequately analyze the project's potential land use and transportation impacts associated with the use of the shared Caltrain/UPRR ROW between San Francisco and San Jose, and the UPRR ROW from San Jose to Gilroy. Perhaps more importantly, the document fails to discuss the potential necessity of locating the project alignment away from either segment of this ROW, particularly in the San Jose to Gilroy segment where the UPRR owns and controls the corridor. The potential need for a new project alignment in these areas necessitates a revised analysis of project impacts.

I376-7

Comment B.1-2 - The impact discussion focuses on a corridor 50 feet to either side of the existing corridor or 50 feet to either side of the centerline of the new HST alignments. The analysis should focus on a wider corridor for impacts. Some impacts, such as noise, can have a significant effect several hundred or even several thousand feet away from the project corridor. The impact discussion should be revised to use appropriately sized impact corridors with no corridor narrower than 500 feet to either side of the proposed HST corridor.

I376-8

B.2 Aesthetics and Visual Impacts

Comment B.2-1 - The Revised Program EIR fails to address a number of issues related to aesthetics and visual impacts. Many of the proposed project elements (such as an elevated railway, overhead wires, sound walls, and transmission lines) would likely have a significant visual impact, and these impacts are neither fully addressed nor sufficiently mitigated.

I376-9

Comment B.2-2 - The document fails to address the visual impacts of elevated structures and the associated 45 miles of sound walls proposed as mitigation for noise effects. These structures would represent a significant change to the visual character of the corridor. The document also fails to address the shade and shadow impacts of these proposed elevated structures and sound walls. The sound walls as proposed are inadequate to mitigate the project's noise impacts, and will likely need to be made even taller, which would have a corresponding increase in impacts on aesthetics.

I376-10

Comment B.2-3 - The document fails to address how any new vehicle or pedestrian overpasses would affect the visual environment. Such structures would be significant new elements in the visual landscape, and their visual impacts need to be addressed in the EIR.

I376-11

C.3 Agriculture

Comment C.3-1 - Direct impacts to agricultural resources would occur if the HST alignment and associated infrastructure (substations, utility lines, etc.) needed to pass through lands that are currently in agricultural use. The document fails to adequately address the loss of prime agricultural land, particularly if the proposed ROW must be relocated away from the UPRR ROW within the San Jose to Gilroy corridor. This relocation could be necessitated by UPRR's refusal to share a ROW with the HST system.

I376-12

Comment C.3-2 - The EIR needs to state how the alignment east of the City of Gilroy will mitigate the loss of prime agricultural land composing the County of Santa Clara's agricultural preserve. Both the City of Gilroy and the Santa Clara County Local Agency Formation Commission (LAFCO) have mitigation policies in effect.

I376-13

Comment C.3-3 - Much of this prime agricultural land (large scale) is also in the flood plain. Will the tracks be elevated in this area? If so, would it be possible to continue farm operations underneath the tracks, thus decreasing the acreage that must be mitigated?

I376-14

C.4 Biological Resources

Comment C.4.1 - Statements such as those on page 7-13 (second paragraph, lines 4-7) "...That the preferred alternative to San Francisco would have slightly less potential impacts on wetlands (15.6 ac vs. 17A ac), waterbodies (3.8 ac vs. 4.5 ac), and streams (20,276 linear ft. vs. 21,788 linear ft), but would have slightly more potential impacts on floodplains (520.6 ac VS. 477.5 ac) and species (plant and wildlife) ..." are not very helpful without knowing something about the current quality, trends, susceptibility, and other threats (cumulative or otherwise) to these resources. An attempt to look at these from a landscape point of view should be considered. Just providing disturbed acreage estimates can be very misleading, and could support or lead to incorrect conclusions about the comparative severity of impacts between alternatives.

I376-15

Comment C.4.2 - It is a mistake to equate only miles of disturbance with environmental impacts: For example, on page 7-15, second paragraph, lines 5-8, the document states, "However, this alternative has greater environmental impacts ... since it requires nearly 38 additional miles of HST alignment to be constructed along the east bay" and repeats this statement on page 7-15, third paragraph, lines 5-7. The severity of the environmental impact depends on what biological resources are encountered in those 38 additional miles, and what is encountered in the original alignment before the 38 miles are added on. Similarly, the impacts depend on the nature/severity of the impacts encountered. One significant impact in a short stretch of alignment would have more weight than several, or indeed many, less than significant impacts in a longer stretch of alignment.

I376-16

Comment C.4.3 - The document perpetuates a common error in only considering threatened and endangered species (T&E species). EIRs and EISs are not environmental compliance documents. They are environmental impact assessment documents. Yet there is no consideration of the potential for impacts to many non-T &E species, especially keystone species, particularly in terms of habitat loss and fragmentation.

I376-17

Comment C.4-4 - The document does not address the wide-ranging effects of air and water pollution and noise on biological resources, particularly wildlife and their critical habitat. The harmful effects of pollution have contributed to the listing of numerous species under the Endangered Species Act, yet the document focuses on the direct impacts associated with the loss of habitat. Habitat fragmentation and degradation are not addressed. The indirect effects of air, water, noise, and other emissions, even if they meet regulatory and/or permit thresholds, are ignored. Not all habitats are of equal importance. Certain habitats contribute disproportionately to ecosystem functioning and are analogous to keystone species. Even non-keystone habitats vary in quality with and functional value. These nuances are should be the major focus of affected environmental discussions.

I376-18

Comment C.4-5 - The document fails to address the potential loss of valuable wildlife habitat, including wetlands, particularly if the proposed right-of-way must be relocated away from the Caltrain/UPRR right-of-way.

I376-19

D.5 Cultural Resources

Comment D.5-1 - The City of Gilroy was chartered in 1870, making it the third oldest city in Santa Clara County. The UPRR tracks run parallel to Monterey St. (our main street) about one block east. If the alignment comes through downtown sharing the ROW with UPRR, it will mean

I376-20

Comment Letter I376 - Continued

the demolition of some historic buildings. More significantly, the noise and vibration will affect many remaining buildings, both historic and non-historic. How will the vibration affect our historic masonry buildings? How will the noise affect business in the downtown area?

I376-20
cont.

Comment D.5-2 – Consideration should be given to running the two through tracks which do not stop in Gilroy to the east of our city, and only running the two "local" tracks which would stop at the Gilroy station through our downtown. Nine railroad crossings for the UPRR already exist within our city limits. This would minimize the effects to our historic buildings and also the way noise and vibration affect downtown. Running only two through tracks through the prime agricultural land and flood plain east of Gilroy and not having a station in that area would also minimize the loss of agricultural land.

I376-21

Comment D.5-3 – How will our restored Southern Pacific 1918 train station (now a multi-modal transportation hub) be affected? How will the requested garage for 6000 cars near the station affect our downtown? What mitigations will be provided?

I376-22

Thank you for considering my comments.

Respectfully submitted,

Connie Rogers
7690 Santa Theresa Drive
Gilroy, CA 95020

Response to Letter I376 (Connie Rogers, April 26, 2010)

I376-1

This comment is introductory in nature. See specific responses below.

I376-2

The Authority disagrees. South county cities have been included in noticing, scoping, and public hearings/meetings throughout the environmental process. Scoping meetings are not required at this stage of the environmental process. On December 3, 2009, the Authority approved Resolution HSRA 10-012 which rescinded the Authority's certification of the 2008 Final Program EIR, thus continuing the environmental process. Scoping meetings were held in 2005 in San Francisco, San Jose, Livermore, Oakland, Modesto, and Suisun City. See the 2008 Final Program EIR and the Preface of the Revised Final Program EIR regarding notification of the availability and public meetings for the 2005 Draft Program EIR, 2008 Final Program EIR, and the 2010 Revised Draft Program EIR Material. Public hearings were held in 2007 in San Francisco, San Jose, Livermore, Oakland, Gilroy, Merced, Stockton, and Sacramento on the 2005 Draft Program EIR.

I376-3

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I376-4

We disagree with the comment. The ridership and revenue modeling provides an appropriate tool for the environmental analysis

for which it has been used. Information about subsequent ridership in the 2009 Business Plan, which was prepared for a different purpose, does not render the 2007 forecasts invalid. See Standard Response 4, explaining the differences in the ridership forecasts for environmental review versus business planning purposes. We also note that economic shifts over the last number of years do not result in a need to revise the ridership forecasts prepared in 2007 because long-range forecasts use adopted projections of employment and population from the Department of Finance and regional governments across the general business cycle and are not designed to be limited to particular types of business conditions. We note that the important factor is consistently applying future population and employment assumptions across alternative scenarios, and this was done.

I376-5

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I376-6

See response to comment I360-5.

I376-7

The Revised Draft Program EIR Material is specifically intended to address the final judgment in the Town of Atherton litigation. The judgment required the Authority to recirculate the EIR with a revised discussion clarifying the location of HST track between San Jose and Gilroy, impacts on surrounding businesses and residences, construction impacts on Monterey Highway and impacts on UPRR

use of it's right-of-way and it's spurs. Chapter 2 of the Revised Draft Program EIR Material clarifies that the alignment would be adjacent to UPRR right-of-way, and not within UPRR right-of-way. Chapter 2 also includes a revised land use, traffic, aesthetics and visual quality, and cultural resources analyses in light of the clarified HST track location. Chapter 3 of the Revised Draft Program EIR Material discusses the potential need for additional property if UPRR right-of-way cannot be used for the HST system. Chapter 3 notes that San Francisco to San Jose is unique because the right-of-way is owned by Caltrain rather than UPRR. Also see Standard Response 9 and responses to comment letter O002 (UPRR comment letter).

I376-8

Chapter 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Chapter 3.7 of the May 2008 Final Program EIR discuss the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

I376-9

Impacts to aesthetics and visual resources are discussed in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Chapter 3.9 identified potential

visual impacts of the HST including catenary, soundwalls, fencing, electrical substations, overcrossings, bridges, tunnel portals, walls, stations, and support facilities. As noted in Chapter 3.9, the Authority is committed to working with local agencies and communities during subsequent project-level environmental review to develop systemwide design elements that draw from the best practices worldwide and work at the project-level of design and analysis to develop context-sensitive aesthetic designs and treatments for HST infrastructure. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I376-10

Visual impacts related to elevated structures and soundwalls were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Shadow impacts were also identified in Chapter 3.9 of the May 2008 Final Program EIR as an issue to be analyzed at the project level. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I376-11

Visual impacts related to vehicle and pedestrian overcrossings and undercrossings were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapters 2.4 and 4.1 of the Revised Draft Program EIR Material. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I376-12

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of farmland impacts as included in the May 2008 Final Program EIR, however, because that analysis already considered land beneath a road or railroad right-of-way as potential farmland, as defined by the California Department of Conservation Farmland Mapping and Monitoring Program. The placement of HST tracks adjacent to the UPRR right-of-way does not increase the level of impact. The mitigation strategies included in the May 2008 Final Program EIR include permanent protection for farmlands by securing easements or participating in mitigation banks, and coordination with local, state, federal, and private farmland protection programs. These strategies will be considered by the Authority for inclusion in a programmatic mitigation monitoring and reporting program, and for refining and applying in the project-level EIR/EISs as more detailed information becomes available.

I376-13

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Agriculture was not one of those topics. Please see Chapter 3.8 of the May 2008 Final Program EIR regarding mitigation strategies and the program level. Specific mitigation measures will depend on detailed engineering at the project level to determine final impacts to prime farmland, and other agricultural resources. The project-level EIR/EIS will consider impacts on the Santa Clara County agricultural preserve.

I376-14

See Response to Comment I376-13. Portions of the HST may be elevated through floodplains on elevated structures or on berms

designed to pass flood flows. As the comment states, this may also result in impacts to farmland. Impacts to agricultural operations due to access and specific impacts to farmland will be identified as part of the project-level EIR/EIS.

I376-15

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 8 of the 2008 Final Program EIR and Chapter 7 of the Revised Draft Program EIR that discuss the relative environmental impact differences between preferred Pacheco Pass network alternative and the most promising Altamont Pass network alternative. Based on this information, the U.S. EPA and the U.S. Army Corps of Engineers concurred that the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008.

I376-16

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources impacts were not identified as requiring further work. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 3.15 of the 2008 Final Program EIR. As noted in Chapter 8 of the Final Program EIR, the U.S. EPA and the U.S. Army Corps of Engineers concurred with this level of information to identify the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008. The Superior

Court in the Town of Atherton case concluded that the level of detail was adequate for a Program EIR.

I376-17

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The biological analysis was based on the thresholds and criteria set in CEQA Appendix G. Impacts on nonsensitive species and habitats were not considered a criterion to base decisions of identifying a preferred alternative. Methods of impact evaluation for the project were developed with input from both state and federal resource agencies. Additional detailed information regarding potentially affected species will be provided in the subsequent project-level environmental evaluation and documentation. This information will include species descriptions, distribution, seasonal activity, range, reproduction, habitat characteristics, population status, threats, conservation status, and a detailed evaluation of effects of the project and proposed mitigation.

I376-18

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The analysis in Chapter 3.15 also identifies the need for field reconnaissance-level surveys to be conducted as part of the future Tier 2 project-level environmental analysis. These future surveys will determine specific habitat conditions and impacts along the entire preferred HST network alternative and surrounding areas. This detailed analysis will identify specifically where there are construction and operation impacts, including noise, vibration, and potential pollution concerns, on critical wildlife corridors, wetlands, sensitive habitat, and special-status species. At the project level, alignments would be further designed to avoid or minimize potential impacts. Mitigation strategies identified at the program level will be refined and applied at the project level to mitigate significant

impacts. The Authority will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential biological impacts.

I376-19

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of biological resources and wetland impacts as included in the May 2008 Final Program EIR, however, because the study area as discussed in the 2008 Final Program EIR extended out 1,000 ft in urban areas and 0.25 mile in rural areas on each side of the alignment. The impacts analysis in the 2008 Final Program EIR, therefore remains valid.

I376-20

The revised project description between San Jose and Gilroy does not result in changes to the discussion of cultural resources beyond what was identified in the Revised Draft Program EIR related to Keesling's shade trees. The analysis for cultural resources in the May 2008 Final Program EIR identified that there are historic resources likely to occur along the HST alignment in Gilroy that may result in an adverse effect. It is extremely rare for vibration from train operations to cause any sort of building damage. Any potentially fragile historic buildings located near a proposed alignment will receive case by case review in the project-level studies pursuant to the FRA Guidance Manual and the standards set by the Secretary of the Interior for historic structures. Mitigation strategies would also be utilized during construction to minimize vibration impacts. See also Standard Response 6.

I376-21

Comment acknowledged. Such a concept can be investigated as part of the project level environmental document.

I376-22

The analysis for cultural resources was included in the 2008 Final Program EIR, Chapter 3.12, Cultural Resources and Paleontological Resources. Under Section 106 of the National Historic Preservation Act (36 CFR § 800), the procedures to be followed at the project level include identification of resources, evaluation of their significance under the National Register of Historic Places and CEQA, identification of any substantial adverse effects, and evaluation of potential mitigation measures. Specific resources within the Area of Potential Effects will be further examined in detail at the project level because the identification of potentially affected resources and project effects and mitigation are dependent on the HST location and system design, and can only be done at the project level. See Standard Response 3 and Response to Comment I376-20.

Comment Letter I377 (Robin C. Silvera-Vasquez, April 15, 2010)

I377

April 15, 2010

Attention:

High Speed Rail Authority

I have major concerns over the proposed high speed rail project.

First area of my concern is the possible Health Effect

1. Noise – many studies show the adverse effect of noise
2. Vibrations
3. High Voltage Towers and Line- studies have raise many concerns
4. Sleep disturbances cause by constant rail traffic. Many studies show effects.
5. Injuries from accidents. Many muni accidents and deaths from slow moving trains and buses.
6. Effects near schools and hospitals for above reasons.

I377-1

Second area of concern is Aesthetics to our community.

1. Impact of properties within 1 or 2 miles on either side of the proposed route.
2. This will detract from our existing landscapes
3. Degrade our existing quality of open space
4. Cause more traffic congestion
5. Decreased property values for the region along planned route.
6. Neighborhood blight.

I377-2

Third area of concern is Construction impacts.

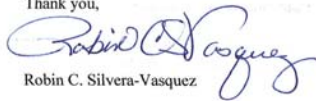
1. Length of project and disruption to communities
2. Traffic congestion and delays
3. Noise
4. Dust
5. Heavy equipment impact on land and surrounding areas.

I377-3

I think this high speed rail project must be kept away from existing cities and communities. It is moving much too fast to be in the midst of people. As an alternative I suggest you build a station half way between Gilroy and Hollister. There is a lot of empty land out that direction which could accommodate parking, taxis, buses, rental car companies, hotels and shuttle services. This area could easily accommodate passengers from Morgan Hill, San Martin, Hollister, Salinas, Prunedale and Monterey without the direct and devastating impact in our towns and communities. Construct the line from San Jose to that station in the mountains, at the base of the foothills or better yet underground. Please don't destroy our communities.

I377-4

Thank you,



Robin C. Silvera-Vasquez

325b Denio Avenue Gilroy, CA. 95020 408-842-5233

Email: r.vasquez1235@yahoo.com

Response to Letter I377 (Robin C. Silvera-Vasquez, April 15, 2010)

I377-1

This comment expresses concerns about the possible health effects of noise, vibration, high-voltage towers, constant rail traffic, and accidents, and these effects near schools and hospitals.

Comment acknowledged. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of noise, vibration, EMF, traffic, and safety impacts will be conducted for the project-level EIR/EISs.

I377-2

The visual impacts in the Gilroy area were assessed in the 2010 Revised Draft Program EIR to be low, with the exception of elevated stations at either Morgan Hill or Gilroy, which were rated medium. Through Morgan Hill, San Martin and Gilroy, the HST would run next to the existing Union Pacific Railroad, on the east side, at grade. This is a low visual impact, as it is adding two new tracks next to one or two existing tracks.

Though the open space, outside the built-up areas of Morgan Hill, San Martin and Gilroy, the line would be at grade next to an existing railroad. The visual impact was analyzed to be low, meaning little or no degradation of the aesthetics of existing landscapes or open space.

Traffic to any proposed HST station site would be analyzed in the project-level EIR/EIS and plans for mitigations will be provided for additional traffic caused by the traffic.

Please see Standard Response 6 regarding property value.

Procedures for maintaining the HST's infrastructure can be detailed in the project-level EIR/EIS. Potential deterrents to perceived signs of blight such as graffiti could include the addition of vines to the concrete surfaces of columns and walls, landscaping to obscure the HST tracks from adjacent neighborhoods, and maintenance agreements to ensure the timely removal of any potential graffiti.

I377-3

See Response to Comment 1052-5 regarding construction.

I377-4

The HST is designed to serve intercity trips throughout the state. To meet the purpose and need of the HST system, alignments and stations have been identified to provide service to cities across the state. The Authority notes that an east foothill alignment was withdrawn from consideration in 2005. Among the reasons for withdrawal were potential environmental concerns. The Authority also notes that this alignment was not adjacent to an existing transportation corridor. The Authority's planning for the HST system since 2000 has been consistently based on locating the HST corridor within or adjacent to major existing transportation corridors, such as rail or highway corridors. See Standard Response 10 regarding underground options.

The Authority appreciates the comment. Site specific environmental impacts during construction and operation of the HST will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes.

Comment Letter I378 (Kathleen Swindle, April 1, 2010)

Kathleen Swindle
2145 Dunlap Ave
Gilroy, Cal. 95020
April 1, 2010

I378

Don Seavitt
Cal. High Speed Rail Authority
925 L St. Suite 1425
Sacramento Ca. 95814

Swindle
2145 Dunlap Ave.
Gilroy, CA 95020

Attn: Bay Area to Central Valley Revised Draft
Program EIR Material Comments -

NO - NO - NO -

Calif. is broke - we (the taxpayers)

I378-1

Can't afford another "boondoggle" -

From my house on Dunlap Ave. in Gilroy
I can hear the regular train and the
jets down shifting to land in San Jose
and San Francisco. We don't need
more noise in this area -

I378-2

Kathleen Swindle

Response to Letter I378 (Kathleen Swindle, April 1, 2010)

I378-1

The 2005 Statewide Program EIR identified alternatives to meet the mobility goals of the state of California in the year 2020. The alternative to continue to rely on piecemeal expansion of airports and highways (the Modal Alternative) proved more costly and environmentally damaging than the HST alternative. Based on that analysis, the implementation of a statewide HST system provides the most economically frugal solution.

I378-2

See Standard Responses 3 and 5.

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. This analysis will include cumulative impacts from existing and proposed noise sources.

Comment Letter I379 (Yvonne Sheets-Saucedo, April 23, 2010)

I379

Kris Livingston

From: Yvonne Sheets-Saucedo [yvonne.ss@sbcglobal.net]
Sent: Friday, April 23, 2010 8:24 AM
To: HSR Comments
Cc: All Council Members, Tom Haglund
Subject: "Bay Area to Central Valley Revised Draft Program EIR Material Comments"
Attachments: EIR COMMENTS.pdf

California High Speed Rail Authority
 Attention: Dan Leavitt

I have attached my Bay Area to Central Valley Revised Draft Program EIR comments and have also mailed a hard copy of the same letter to your attention at: CHSRA 925 L. Street - Suite 1425, Sacramento, CA 95814.

Regards,
 Yvonne Sheets-Saucedo

April 23, 2010

California High Speed Rail Authority
 Attn: Dan Leavitt, Deputy Director
 925 L Street, Suite 1425
 Sacramento, CA 95814

Subject: Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the California High Speed Rail Authority's March 2010 Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Material. The California HST project will have a long-lasting and far-reaching impact on the City of Gilroy. I have reviewed the Revised Draft Program EIR and have the following comments:

I379-1

A. General Comments and Process:

A.1 Public Meetings

Comment A.1-1. - No scoping sessions or public meetings were held anywhere between San Jose and Merced for the Revised Draft Program EIR. South County cities were also not included in the outreach before the Second Draft Program EIR/EIS process. The failure of the California High-Speed Rail Authority (CHSRA) to solicit comments from communities along the South County corridor during the scoping process, the EIR/EIS public review process, or the Revised Draft Program EIR process violates the public review requirements of the California Environmental Quality Act (CEQA), and renders the current Revised Draft EIR inadequate.

I379-2

A.2 Significant New Information

Comment A.2-1 - Significant new information exists, under many environmental parameters that makes the earlier Program EIR/EIS invalid and requires a recirculation of the Program EIR/EIS, as well as recirculation of the Revised Program EIR.

I379-3

Comment A.2-2 - The ridership and revenue modeling used for the analysis and alternatives comparison is flawed, particularly given the new information provided in the 2009 Business Plan update and the unprecedented shifts in the economy since the forecasting was last completed. The ridership models need to be revised to provide a more accurate forecast of ridership.

I379-4

Comment A.2-3 - New information on project impacts and alternatives is being discovered during the project-level environmental review for the San Francisco to San Jose and San Jose to Merced segments. This new information may indicate new or increased impacts, and new feasible alternatives or mitigation measures. The new information needs to be presented and analyzed in a revised and recirculated environmental document.

I379-5

Comment A.2-4 - The recently announced project to conduct a seismic retrofit of the State Route 92 San Mateo Bridge opens the possibility of placing a HST crossing in conjunction with rebuilding the bridge. The environmental document needs to be revised and recirculated to incorporate the alignment alternatives provided by this seismic retrofit project.

I379-6

Comment A.2-5 - The need to evaluate impacts from Union Pacific Railroad's (UPRR) recent refusal to share it, ROW opens up the possibility of considering new alternative alignments for not only the Pacheco Pass alignments but also the Altamont Pass alignments, including an Altamont Pass alignment that would run along State Route 84 through the East Bay rather than along the UPRR ROW.

I379-7

Comment Letter I379 - Continued

Mr. Dan Leavitt
April 23, 2010
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A.3 Limiting Scope of Comments to the Revised Draft Program EIR Inappropriately Limits the Analysis

Comment A.3-1 - Limiting the scope of comments to the Revised Materials is inappropriate if the original analysis was flawed.

I379-8

A.4 Inappropriate Listing of Supporters and Opponents

Comment A.4-1 - It is inappropriate to list the agencies and organizations who support, or have expressed concern over the selection of the Preferred Alternative (Sections 7.3.2 and elsewhere) in the document.

I379-9

B. Environmental Impacts and Mitigation Measures:

B.1 General Comments

Comment B.1-1 - The document fails to disclose or adequately analyze the project's potential land use and transportation impacts associated with the use of the shared Caltrain/UPRR ROW between San Francisco and San Jose, and the UPRR ROW from San Jose to Gilroy. Perhaps more importantly, the document fails to discuss the potential necessity of locating the project alignment away from either segment of this ROW, particularly in the San Jose to Gilroy segment where the UPRR owns and controls the corridor. The potential need for a new project alignment in these areas necessitates a revised analysis of project impacts.

I379-10

Comment B.1-2 - The impact discussion focuses on a corridor 50 feet to either side of the existing corridor or 50 feet to either side of the centerline of the new HST alignments. The analysis should focus on a wider corridor for impacts. Some impacts, such as noise, can have a significant effect several hundred or even several thousand feet away from the project corridor. The impact discussion should be revised to use appropriately sized impact corridors as appropriate for each specific impact, with no corridor narrower than 500 feet to either side of the proposed HST corridor.

I379-11

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I379-12

B.2 Aesthetics and Visual Impacts

Comment B.2-1 - The Revised Program EIR fails to address a number of issues related to aesthetics and visual impacts. Many of the proposed project elements (such as an elevated railway, overhead wires, sound walls, and transmission lines) would likely have a significant visual impact, and these impacts are neither fully addressed nor sufficiently mitigated.

I379-13

Comment B.2-2 - The document fails to address the visual impacts of elevated structures and the associated sound walls proposed as mitigation for noise effects. These structures would represent a significant change to the visual character of the corridor. The document also fails to address the shade and shadow impacts of these proposed elevated structures and sound walls.

I379-14

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The sound walls as proposed are inadequate to mitigate the project's noise impacts, and will likely need to be made even taller, which would have a corresponding increase in impacts on aesthetics.

I379-14
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I379-15

C.3 Agriculture

Comment C.3-1 - Direct impacts to agricultural resources would occur if the HST alignment and associated infrastructure (substations, utility lines, etc.) needed to pass through lands that are currently in agricultural use. The document fails to adequately address the loss of prime agricultural land, particularly if the proposed ROW must be relocated away from the UPRR ROW within the San Jose to Gilroy corridor. This relocation could be necessitated by UPRR's refusal to share a ROW with the HST system.

I379-16

C.4 Biological Resources

Comment C.4.1 - Statements such as those on page 7-13 (second paragraph, lines 4-7) ... "That the preferred alternative to San Francisco would have slightly less potential impacts on wetlands (15.6 ac vs. 17A ac), waterbodies (3.8 ac vs. 4.5 ac), and streams (20,276 linear ft. vs. 21,788 linear ft), but would have slightly more potential impacts on floodplains (520.6 ac VS. 477.5 ac) and species (plant and wildlife) ... " are not very helpful without knowing something about the current quality, trends, susceptibility, and other threats (cumulative or otherwise) to these resources. An attempt to look at these from a landscape point of view should be considered. Just providing disturbed acreage estimates can be very misleading, and could support or lead to incorrect conclusions about the comparative severity of impacts between alternatives.

I379-17

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I379-18

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I379-19

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I379-20

Comment Letter I379 - Continued

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with the loss of habitat. Habitat fragmentation and degradation are not addressed. The indirect effects of air, water, noise, and other emissions, even if they meet regulatory and/or permit thresholds, are ignored. Not all habitats are of equal importance. Certain habitats disproportionately contribute to ecosystem functioning and are analogous to keystone species. Even non-keystone habitats vary in quality with very different functional value. These nuances are ignored or overlooked, and should be the major focus of affected environmental discussions.

I379-20
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I379-21

Respectfully submitted,

Yvonne Sheets-Saucedo
10620 La Corte Lane
Gilroy, CA 95020
650.575.9421

Response to Letter I379 (Yvonne Sheets-Saucedo, April 23, 2010)

I379-1

This comment is introductory in nature. See specific responses below.

I379-2

The Authority disagrees. South county cities have been included in noticing, scoping, and public hearings/meetings throughout the environmental process. Scoping meetings are not required at this stage of the environmental process. On December 3, 2009, the Authority approved Resolution HSRA 10-012 which rescinded the Authority's certification of the 2008 Final Program EIR, thus continuing the environmental process. Scoping meetings were held in 2005 in San Francisco, San Jose, Livermore, Oakland, Modesto, and Suisun City. See the 2008 Final Program EIR and the Preface of the Revised Final Program EIR regarding notification of the availability and public meetings for the 2005 Draft Program EIR, 2008 Final Program EIR, and the 2010 Revised Draft Program EIR Material. Public hearings were held in 2007 in San Francisco, San Jose, Livermore, Oakland, Gilroy, Merced, Stockton, and Sacramento on the 2005 Draft Program EIR.

I379-3

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I379-4

We disagree with the comment. The ridership and revenue modeling provides an appropriate tool for the environmental analysis

for which it has been used. Information about subsequent ridership in the 2009 Business Plan, which was prepared for a different purpose, does not render the 2007 forecasts invalid. See Standard Response 4, explaining the differences in the ridership forecasts for environmental review versus business planning purposes. We also note that economic shifts over the last number of years do not result in a need to revise the ridership forecasts prepared in 2007 because long-range forecasts use adopted projections of employment and population from the Department of Finance and regional governments across the general business cycle and are not designed to be limited to particular types of business conditions. We note that the important factor is consistently applying future population and employment assumptions across alternative scenarios, and this was done.

I379-5

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I379-6

According to Bay Area Toll Authority documents, widening of the San Mateo bridge was completed in 2003 and Caltrans completed a bridge retrofit in 2000.

I379-7

See response to comment I360-5.

I379-8

The Authority disagrees that limiting the scope of comments to the Revised Draft Program EIR Material is inappropriate. The Authority requested that members of the public focus their comments on the new information and analysis contained in the Revised Draft EIR Material and stated that the Authority's legal obligation extended to responding only to those comments related to the new materials. The Authority's request is based on CEQA Guidelines section 15088.5, applicable to situations like the current one where a lead agency must revise and recirculate only a portion of a prior Final EIR. The current EIR process is specifically intended to comply with the judgment from the Town of Atherton litigation and that judgment found that only those issues in the revised materials required further CEQA compliance.

I379-9

The May 2008 Final Program EIR summarized support for the Pacheco Pass network alternatives and the Altamont Pass network alternatives. The Revised Draft Program EIR Material included an updated version of this information based on input received through March 2010. This information was provided to the public and the decision-makers to identify the wide divergence of opinion with and the controversy over which pass for the HST system should connect the Bay Area to the Central Valley.

I379-10

The Revised Draft Program EIR Material is specifically intended to address the final judgment in the Town of Atherton litigation. The judgment required the Authority to recirculate the EIR with a revised discussion clarifying the location of HST track between San Jose and Gilroy, impacts on surrounding businesses and residences, construction impacts on Monterey Highway and impacts on UPRR use of its right-of-way and its spurs. Chapter 2 of the Revised Draft Program EIR Material clarifies that the alignment would be adjacent to UPRR right-of-way, and not within UPRR right-of-way. Chapter 2 also includes a revised land use, traffic, aesthetics and visual quality, and cultural resources analyses in light of the clarified HST track location. Chapter 3 of the Revised Draft Program EIR Material

discusses the potential need for additional property if UPRR right-of-way cannot be used for the HST system. Chapter 3 notes that San Francisco to San Jose is unique because the right-of-way is owned by Caltrain rather than UPRR. Also see Standard Response 9 and responses to comment letter O002 (UPRR comment letter).

I379-11

Chapter 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Chapter 3.7 of the May 2008 Final Program EIR discuss the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

I379-12

The use of "exclusive guideway" and "shared guideway" are discussed in Chapter 2, Alternatives, in the 2005 Final Statewide Program EIR. The reasons for removing alternatives, some with exclusive guideway, are documented in Chapter 2 of the Final Statewide Program EIR and Appendix 2-G of the 2008 Final Program EIR. Regarding UPRR's position on sharing its right-of-way, please see Standard Response 9.

I379-13

Impacts to aesthetics and visual resources are discussed in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Chapter 3.9 identified potential visual impacts of the HST including catenary, soundwalls, fencing, electrical substations, overcrossings, bridges, tunnel portals, walls, stations, and support facilities. As noted in Chapter 3.9, the Authority is committed to working with local agencies and communities during subsequent project-level environmental review to develop systemwide design elements that draw from the best practices worldwide and work at the project-level of design and analysis to develop context-sensitive aesthetic designs and treatments for HST infrastructure. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I379-14

Visual impacts related to elevated structures and soundwalls were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Shadow impacts were also identified in Chapter 3.9 of the May 2008 Final Program EIR as an issue to be analyzed at the project level. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I379-15

Visual impacts related to vehicle and pedestrian overcrossings and undercrossings were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapters 2.4 and 4.1 of the Revised Draft Program EIR Material. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to

identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I379-16

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of farmland impacts as included in the May 2008 Final Program EIR, however, because that analysis already considered land beneath a road or railroad right-of-way as potential farmland, as defined by the California Department of Conservation Farmland Mapping and Monitoring Program. The placement of HST tracks adjacent to the UPRR right-of-way does not increase the level of impact. The mitigation strategies included in the May 2008 Final Program EIR include permanent protection for farmlands by securing easements or participating in mitigation banks, and coordination with local, state, federal, and private farmland protection programs. These strategies will be considered by the Authority for inclusion in a programmatic mitigation monitoring and reporting program, and for refining and applying in the project-level EIR/EISs as more detailed information becomes available.

I379-17

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 8 of the 2008 Final Program EIR and Chapter 7 of the Revised Draft Program EIR that discuss the relative environmental impact differences between preferred Pacheco Pass network alternative and

the most promising Altamont Pass network alternative. Based on this information, the U.S. EPA and the U.S. Army Corps of Engineers concurred that the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008.

I379-18

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources impacts were not identified as requiring further work. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 3.15 of the 2008 Final Program EIR. As noted in Chapter 8 of the Final Program EIR, the U.S. EPA and the U.S. Army Corps of Engineers concurred with this level of information to identify the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008. The Superior Court in the Town of Atherton case concluded that the level of detail was adequate for a Program EIR.

I379-19

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The biological analysis was based on the thresholds and criteria set in CEQA Appendix G. Impacts on nonsensitive species and habitats were not considered a criterion to base decisions of identifying a preferred alternative. Methods of impact evaluation for the project were developed with input from both state and federal resource agencies. Additional detailed information regarding potentially affected species will be provided in the subsequent project-level environmental evaluation and

documentation. This information will include species descriptions, distribution, seasonal activity, range, reproduction, habitat characteristics, population status, threats, conservation status, and a detailed evaluation of effects of the project and proposed mitigation.

I379-20

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The analysis in Chapter 3.15 also identifies the need for field reconnaissance-level surveys to be conducted as part of the future Tier 2 project-level environmental analysis. These future surveys will determine specific habitat conditions and impacts along the entire preferred HST network alternative and surrounding areas. This detailed analysis will identify specifically where there are construction and operation impacts, including noise, vibration, and potential pollution concerns, on critical wildlife corridors, wetlands, sensitive habitat, and special-status species. At the project level, alignments would be further designed to avoid or minimize potential impacts. Mitigation strategies identified at the program level will be refined and applied at the project level to mitigate significant impacts. The Authority will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential biological impacts.

I379-21

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of biological resources and wetland impacts as included in the May 2008 Final Program EIR, however, because the study area as discussed in the

Bay Area to Central Valley HST Final Program EIR/EIS

Response to Comments from Individuals

2008 Final Program EIR extended out 1,000 ft in urban areas and 0.25 mile in rural areas on each side of the alignment. The impacts analysis in the 2008 Final Program EIR, therefore remains valid.

Comment Letter I380 (Steve Paszkiewicz, April 24, 2010)

I380

Kris Livingston

From: steve paszkiewicz [steve_paszkiewicz@yahoo.com]
Sent: Monday, April 26, 2010 9:05 AM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

April 24, 2010

California High Speed Rail Authority
 Attn: Dan Leavitt, Deputy Director
 925 L Street, Suite 1425
 Sacramento, CA 95814

Subject: Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the California High Speed Rail Authority's March 2010 Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Material. The California HST project will have a long-lasting and far-reaching impact on the City of Gilroy. I have reviewed the Revised Draft Program EIR and have the following comments:

A. General Comments and Process:

A.1 Public Meetings

Comment A.1-1. - No scoping sessions or public meetings were held anywhere between San Jose and Merced for the Revised Draft Program EIR. - South County cities were also not included in the Outreach before the Second Draft Program EIR/EIS process. The failure of the California High-Speed Rail Authority (CHSRA) to solicit comments from communities along the South County corridor during the scoping process, the EIR/EIS public review process, or the Revised Draft Program EIR process violates the public review requirements of the California Environmental Quality Act (CEQA), and renders the current Revised Draft EIR inadequate.

A.2 Significant New Information

Comment A.2-1 - Significant new information exists, under many environmental parameters that makes the earlier Program EIR/EIS invalid and requires a recirculation of the Program EIR/EIS, as well as recirculation of the Revised Program EIR.

Comment A.2-2 - The ridership and revenue modeling used for the analysis and alternatives comparison is flawed, particularly given the new information provided in the 2009 Business Plan update and the substantial shifts in the economy since the forecasting was last completed. The ridership models need to be revised to provide a more accurate forecast of ridership.

Comment A.2-3 - New information on project impacts and alternatives is being discovered during the project-level environmental review for the San Francisco to San Jose and San Jose to Merced segments. This new information may indicate new or increased impacts, and new feasible alternatives or mitigation measures. The new information needs to be presented and analyzed in a revised and re-circulated environmental document.

Comment A.2-4 - The recently announced project to conduct a seismic retrofit of the State Route 92 San Mateo bridge opens the possibility of placing a HST crossing in conjunction with rebuilding the bridge. The environmental document needs to be revised and recirculated to incorporate the alignment alternatives provided by this seismic retrofit project.

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Mr. Dan Leavitt
 April 23, 2010
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A.3 Limiting Scope of Comments to the Revised Draft Program EIR Inappropriately Limits the Analysis

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Comment Letter I380 - Continued

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Mr. Dan Leavitt
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I380-20

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Mr. Dan Leavitt
April 23, 2010
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I380-21

Respectfully submitted,

Steve Paszkiewicz
925 Denio Ave, Gilroy CA 95020

Response to Letter I380 (Steve Paszkiewicz, April 24, 2010)

I380-1

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I380-3

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I380-4

We disagree with the comment. The ridership and revenue modeling provides an appropriate tool for the environmental analysis

for which it has been used. Information about subsequent ridership in the 2009 Business Plan, which was prepared for a different purpose, does not render the 2007 forecasts invalid. See Standard Response 4, explaining the differences in the ridership forecasts for environmental review versus business planning purposes. We also note that economic shifts over the last number of years do not result in a need to revise the ridership forecasts prepared in 2007 because long-range forecasts use adopted projections of employment and population from the Department of Finance and regional governments across the general business cycle and are not designed to be limited to particular types of business conditions. We note that the important factor is consistently applying future population and employment assumptions across alternative scenarios, and this was done.

I380-5

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I380-6

According to Bay Area Toll Authority documents, widening of the San Mateo bridge was completed in 2003 and Caltrans completed a bridge retrofit in 2000.

I380-7

See response to comment I360-5.

I380-8

The Authority disagrees that limiting the scope of comments to the Revised Draft Program EIR Material is inappropriate. The Authority requested that members of the public focus their comments on the new information and analysis contained in the Revised Draft EIR Material and stated that the Authority's legal obligation extended to responding only to those comments related to the new materials. The Authority's request is based on CEQA Guidelines section 15088.5, applicable to situations like the current one where a lead agency must revise and recirculate only a portion of a prior Final EIR. The current EIR process is specifically intended to comply with the judgment from the Town of Atherton litigation and that judgment found that only those issues in the revised materials required further CEQA compliance.

I380-9

The May 2008 Final Program EIR summarized support for the Pacheco Pass network alternatives and the Altamont Pass network alternatives. The Revised Draft Program EIR Material included an updated version of this information based on input received through March 2010. This information was provided to the public and the decision-makers to identify the wide divergence of opinion with and the controversy over which pass for the HST system should connect the Bay Area to the Central Valley.

I380-10

The Revised Draft Program EIR Material is specifically intended to address the final judgment in the Town of Atherton litigation. The judgment required the Authority to recirculate the EIR with a revised discussion clarifying the location of HST track between San Jose and Gilroy, impacts on surrounding businesses and residences, construction impacts on Monterey Highway and impacts on UPRR use of its right-of-way and its spurs. Chapter 2 of the Revised Draft Program EIR Material clarifies that the alignment would be adjacent to UPRR right-of-way, and not within UPRR right-of-way. Chapter 2 also includes a revised land use, traffic, aesthetics and visual quality, and cultural resources analyses in light of the clarified HST track location. Chapter 3 of the Revised Draft Program EIR Material

discusses the potential need for additional property if UPRR right-of-way cannot be used for the HST system. Chapter 3 notes that San Francisco to San Jose is unique because the right-of-way is owned by Caltrain rather than UPRR. Also see Standard Response 9 and responses to comment letter O002 (UPRR comment letter).

I380-11

Chapter 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Chapter 3.7 of the May 2008 Final Program EIR discuss the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

I380-12

The use of "exclusive guideway" and "shared guideway" are discussed in Chapter 2, Alternatives, in the 2005 Final Statewide Program EIR. The reasons for removing alternatives, some with exclusive guideway, are documented in Chapter 2 of the Final Statewide Program EIR and Appendix 2-G of the 2008 Final Program EIR. Regarding UPRR's position on sharing its right-of-way, please see Standard Response 9.

I380-13

Impacts to aesthetics and visual resources are discussed in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Chapter 3.9 identified potential visual impacts of the HST including catenary, soundwalls, fencing, electrical substations, overcrossings, bridges, tunnel portals, walls, stations, and support facilities. As noted in Chapter 3.9, the Authority is committed to working with local agencies and communities during subsequent project-level environmental review to develop systemwide design elements that draw from the best practices worldwide and work at the project-level of design and analysis to develop context-sensitive aesthetic designs and treatments for HST infrastructure. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I380-14

Visual impacts related to elevated structures and soundwalls were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Shadow impacts were also identified in Chapter 3.9 of the May 2008 Final Program EIR as an issue to be analyzed at the project level. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I380-15

Visual impacts related to vehicle and pedestrian overcrossings and undercrossings were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapters 2.4 and 4.1 of the Revised Draft Program EIR Material. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to

identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I380-16

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of farmland impacts as included in the May 2008 Final Program EIR, however, because that analysis already considered land beneath a road or railroad right-of-way as potential farmland, as defined by the California Department of Conservation Farmland Mapping and Monitoring Program. The placement of HST tracks adjacent to the UPRR right-of-way does not increase the level of impact. The mitigation strategies included in the May 2008 Final Program EIR include permanent protection for farmlands by securing easements or participating in mitigation banks, and coordination with local, state, federal, and private farmland protection programs. These strategies will be considered by the Authority for inclusion in a programmatic mitigation monitoring and reporting program, and for refining and applying in the project-level EIR/EISs as more detailed information becomes available.

I380-17

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 8 of the 2008 Final Program EIR and Chapter 7 of the Revised Draft Program EIR that discuss the relative environmental impact differences between preferred Pacheco Pass network alternative and

the most promising Altamont Pass network alternative. Based on this information, the U.S. EPA and the U.S. Army Corps of Engineers concurred that the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008.

I380-18

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources impacts were not identified as requiring further work. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 3.15 of the 2008 Final Program EIR. As noted in Chapter 8 of the Final Program EIR, the U.S. EPA and the U.S. Army Corps of Engineers concurred with this level of information to identify the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008. The Superior Court in the Town of Atherton case concluded that the level of detail was adequate for a Program EIR.

I380-19

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The biological analysis was based on the thresholds and criteria set in CEQA Appendix G. Impacts on nonsensitive species and habitats were not considered a criterion to base decisions of identifying a preferred alternative. Methods of impact evaluation for the project were developed with input from both state and federal resource agencies. Additional detailed information regarding potentially affected species will be provided in the subsequent project-level environmental evaluation and

documentation. This information will include species descriptions, distribution, seasonal activity, range, reproduction, habitat characteristics, population status, threats, conservation status, and a detailed evaluation of effects of the project and proposed mitigation.

I380-20

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The analysis in Chapter 3.15 also identifies the need for field reconnaissance-level surveys to be conducted as part of the future Tier 2 project-level environmental analysis. These future surveys will determine specific habitat conditions and impacts along the entire preferred HST network alternative and surrounding areas. This detailed analysis will identify specifically where there are construction and operation impacts, including noise, vibration, and potential pollution concerns, on critical wildlife corridors, wetlands, sensitive habitat, and special-status species. At the project level, alignments would be further designed to avoid or minimize potential impacts. Mitigation strategies identified at the program level will be refined and applied at the project level to mitigate significant impacts. The Authority will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential biological impacts.

I380-21

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of biological resources and wetland impacts as included in the May 2008 Final Program EIR, however, because the study area as discussed in the

2008 Final Program EIR extended out 1,000 ft in urban areas and 0.25 mile in rural areas on each side of the alignment. The impacts analysis in the 2008 Final Program EIR, therefore remains valid.

Comment Letter I381 (Marifaith Hackett, April 22, 2010)

I381

Kris Livingston

From: Marifaith Hackett [marifaith.hackett@sbcglobal.net]
Sent: Thursday, April 22, 2010 3:29 PM
To: HSR Comments
Cc: marifaith.hackett@sbcglobal.net
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

April 22, 2010

Dan Leavitt

California High-Speed Rail Authority

925 L Street, Suite 1425

Sacramento , CA 95814

Fax: 916-322-0827; email: comments@hsr.ca.gov

RE: Comments on Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Material

Dear Mr. Leavitt and the High Speed Rail Authority:

I am writing to comment on the Revised Draft Program Environmental Impact Report (EIR) of March 2010, which describes the Authority's proposed routing of the system in the San Francisco Bay Area and the Central Valley .

I live in Belmont , CA , at 935 Old County Road , near the Belmont train station. I am a regular Caltrain rider.

The Revised Draft Program EIR shows blithe disregard for all parties that will be negatively affected by high-speed trains. For example, Section 3.2.2 of the Revised Draft Program EIR states that the project will plow forward despite Union Pacific's refusal to allow use of its right-of-way.

I stand with the Peninsula communities that have strongly objected to the planned implementation of the high-speed train system (see page 7-23 to 7-24 of the Revised Draft Program EIR). The Authority's proposed project design and the routing of the proposed High Speed Train along the Caltrain alignment will have major negative effects on me, my neighbors, and the Belmont community. In my opinion, the Authority has minimized or ignored the very significant negative impacts of the proposed project. The California High-Speed Rail Authority is asking communities like Belmont to absorb the considerable negative effects of the project (noise, vibration, declining property values if aerial structures are selected) without reaping any of the benefits.

I381-1
cont.

I believe the law requires the Authority to do a much better investigation and documentation of the project impacts – not only in my neighborhood, but in all similar neighborhoods along the proposed alignment. Further, the law requires you to identify ways to eliminate or to mitigate these impacts to the greatest degree feasible. You should redesign the project to include measures to achieve that legal requirement, or choose a different alignment or project alternative that will have that effect.

I381-2

I request you to revise – again – the Draft Program EIR to address my concerns and to circulate the revised document for further review and comment by the public. Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Sincerely,

Marifaith Hackett

Attachment: Word version of this letter

I381-1

Response to Letter I381 (Marifaith Hackett, April 22, 2010)

I381-1

The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of noise, vibration, EMF, traffic, and safety impacts will be conducted for the project-level EIR/EISs.

I381-2

The Authority disagrees. The current Revised Draft Program EIR Material is part of the Authority's first-tier, programmatic CEQA compliance. The level of detail in the impacts analysis is tailored to the level of detail of the decision under consideration.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

The Authority has revised and recirculated certain portions of the 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

Comment Letter I382 (David Altscher, April 3, 2010)

I382**Kris Livingston**

From: DAltscher@aol.com
Sent: Saturday, April 03, 2010 3:31 PM
To: HSR Comments
Subject: Bay Area to Central Valley Program EIR

Hello Dan. Please accept my following comments on the above. Tax payers/citizens have only one chance to get this right. The obscenely inflated rider-ship projections and the fraudulent misrepresentations with the proposed HSR costs will leave California further in debt and a citizenry justifiably rife with contempt for another bloated government agency.

I382-1

Bring CALTRAIN up to date with electrification and modernize the entire CALTRAIN system from San Francisco to south San Jose. From San Jose the HSR should run above grade all the way to LA County. Having a HSR running parallel with CALTRAIN for 50 miles is ridiculous.

I382-2

I382-3

I382-4

This project when completed 20 years from now, will cost well in excess of \$ 100 million dollars. The Fed's current contribution of \$ 2.+ billion is chump change and the threat of losing such funding would be of miniscule loss.

I382-5

Thank you for your time.

David Altscher
Belmont, CA

Response to Letter I382 (David Altscher, April 3, 2010)

I382-1

Comment acknowledged. We disagree that the ridership forecasts are overstated. See Standard Response 4.

I382-2

Comment acknowledged.

I382-3

Comment acknowledged.

I382-4

Comment acknowledged.

I382-5

The Authority disagrees with your statement. For more information on the funding plan, please see the Authority's Business Plan. Also see Standard Response 8.

Comment Letter I383 (Joe Ruk, April 8, 2010)

I383

Kris Livingston

From: Joe Ruk [joer@EBRS.NET]
Sent: Thursday, April 08, 2010 12:36 PM
To: HSR Comments
Subject: High Speed rail

4/9/10,

In general the project is unneeded and results in more problems which should be addressed in the environmental report.

I383-1

The projections for costs and fares are unreal and have been a moving target throughout this project. The fares have gone from \$50 to \$100 and probably will be much more if the project is ever built by 2020. Current airfares to many areas of LA on Southwest are \$49 + \$11 in taxes. Average flight time 1 hr 15 minutes. Typically on Southwest there is not much back up at gates from SF, Oakland or San Jose. Air travel is much better and quicker.

I383-2

All one has to do is look at the costs for replacing the Bay Bridge and construction time to not trust these projections. 1.5 billion to 6 billion dollars and delays in steel from China. You say 40 billion I bet 80 billion. The report should review the costs versus the benefit.

I383-3

Who is really going to take this train? The money would be better spent on Bart and local transportation that would help local cities. And even here there are problems with Caltrain going bankrupt. So how is high speed going to pay its way? All high speed wants is Caltrain's right away.

I383-4

Locally on Peninsula it is going to affect each city. There is added noise. Divides the cities in half. Removes property from tax rolls and destroys business along the line let alone drive people from their homes. Too close to schools and safety. Right now a problem with suicides on train tracks. What is going to happen with high speed? We, in Belmont, had the disruption of building two overpasses for Caltrain for 5 years. Just what would occur to build this rail system along the entire Peninsula. What are the projected hours of operation? How is our life style going to be affected?

I383-5

This project is ill conceived and the voters had no idea what was involved. It is not fair to have people voting for something and they do not even live in the affected area. They vote yes but do not have to deal with anything.

I383-6

What kind of high speed on Peninsular with stops and turns? If anything it should stop in San Jose and connect with Bart and Caltrain.

I383-7

This project is a bad idea.

Joe Ruk
 Belmont, Ca

Response to Letter I383 (Joe Ruk, April 8, 2010)

I383-1

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. The purpose of the project was not one of those topics. See Chapter 1, Purpose and Need and Objectives, in the 2008 Final Program EIR. The document appropriately addresses those environmental topics per CEQA. See Standard Response 3.

I383-2

Please see Standard Response 4 concerning fares used for ridership modeling. Travel time in the air is not the same as trip time. Trip time includes factors such as access a station or airport, passing through the facility and the wait for the vehicle to depart. Time to pass through an airport is significant, mainly delays due to security procedures and the time necessary to board aircraft.

I383-3

See Response to Comment I011-13.

I383-4

See Standard Response 4 regarding Ridership Modeling.

I383-5

This comment is introductory in nature. See specific responses below.

I383-6

Comment acknowledged.

I383-7

The Authority notes that the Draft and Final Program EIRs did evaluate alternatives that would terminate in San Jose and not travel up the Peninsula on the Caltrain Corridor. These alternatives included Altamont Pass Network Alternative with Oakland and San Jose Termini; Altamont Pass with San Jose Terminus; Altamont Pass with San Jose, Oakland and San Francisco via Transbay Tube; Pacheco Pass with Oakland San Jose Termini; Pacheco Pass with San Jose Terminus; Pacheco Pass with San Jose, Oakland, and San Francisco via Transbay Tube; Pacheco Pass with Altamont Pass (local service) with Oakland and San Jose Termini; and Pacheco Pass with Altamont pass (local service) with San Jose Terminus.

The Authority will make a new decision on a network alternative to carry into the project level environmental document. The alternatives that avoid the Caltrain corridor are not the staff recommended network alternative, but will be considered by the Authority as part of the new decision. Public comments supporting terminating HST service in San Jose will be part of the record that the Board considers.

Comment Letter I384 (Joan Peceimer, April 18, 2010)

I384

Kris Livingston

From: Joan Peceimer [jpeceimer@yahoo.com]
Sent: Sunday, April 18, 2010 8:00 PM
To: Kevyn Allard; HSR Comments
Cc: HSR Comments
Subject: Re: CC-HSR: Call-to-Action

Dear Mr. Allard,

Thank you for your email. Quite Frankly, I think Californians need to look at a long term solution. I do wonder how many more cars, freeways, parking spaces and garages we can handle. We already have cities looking at "smart" zoning, ie. housing combined with public transportation, etc. as we recognize what is happening right now.

Having traveled to Japan in 2008 I am amazed at the efficiency of their bullet trains, etc. We know Europeans have a very efficient train system. I hope we look at California from all angles, including the all the costs associated with owning cars. If one added up the costs to buy a car, depreciation, gas, insurance we might begin to look at public transportation in a different light.

Sincerely, Joan Peceimer, Belmont, CA

From: Kevyn Allard <kevyn@corpwellness.com>
To: kevyn@corpwellness.com
Cc: kevyn@cc-hsr.org
Sent: Sat, April 17, 2010 2:49:51 PM
Subject: CC-HSR: Call-to-Action

community coalition
on high speed rail

Dear Neighbor,

Please take time to comment on the **Program Level** Environmental Impact Report (having to do with routing into the SF Bay Area) by April 26.

Attached are several sample letters and below are links to comment letters from Palo Alto, Menlo Park, and Atherton for your reference.

Comments can be addressed to:

Dan Leavitt
 California High-Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814

Via email to: comments@hsr.ca.gov

*Be sure to send copies to your local electeds and state senator.

Palo Alto (26 pages)
<http://www.cityofpaloalto.org/civica/filebank/blobdload.asp?BlobID=19765>

Menlo Park (4 pages)
http://service.govdelivery.com/docs/CAMENLO/CAMENLO_101/CAMENLO_101_20100415_en.pdf

Atherton (8 pages)
<http://www.ci.atherton.ca.us/city-council/3110.pdf> (pages 132- 140)

Thank you,

Kevyn Allard
www.cc-hsr.org

The Community Coalition on High Speed Rail is a grassroots, non-profit corporation, based on the San Francisco Peninsula, that is working through public advocacy, litigation, and political action to make sure the proposed California High Speed Rail project doesn't adversely affect the economy, environment, or quality of life of California's existing communities.

I384-1

Response to Letter I384 (Joan Peceimer, April 18, 2010)

I384-1

Comment of support is acknowledged.

Comment Letter I385 (David Woodbury, April 26, 2010)

I385

Kris Livingston

From: Woodbury, David (GPMS) [David.Woodbury@cengage.com]
Sent: Monday, April 26, 2010 4:29 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

To whom it may concern,

The revised draft program is completely adequate to address the concerns of citizens along the proposed route. All things considered, you've put together the best possible scenario, and the best possible route, serving the interests of a vast majority of the populace.

I385-1

Nice work! Let's build it.

David Woodbury
 Content Project Manager, Content & Media Production
 Brooks/Cole | Wadsworth
 Cengage Learning
 20 Davis Drive | Belmont, CA 94002

(o) 650.413.7432 | (e) david.woodbury@cengage.com | www.cengage.com

Response to Letter I385 (David Woodbury, April 26, 2010)

I385-1

Comment of support is acknowledged.

Comment Letter I386 (Richard L. Palmisano, March 22, 2010)

I386

Kris Livingston

From: Richard Palmisano [palmisan@dpx.com]
Sent: Monday, March 22, 2010 11:27 AM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Richard Palmisano
 985 Amistad Lane
 San Martin, CA 95046

22 March 2010

Dan Leavitt
 California High-Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814
comments@hsr.ca.gov
 (916) 322-0827

ATTN: Bay Area to Central Valley Revised Draft Program EIR Material Comments

To Whom It May Concern::

After reviewing the Revised Draft Program EIR Report, the following issues need mitigation or have been improperly identified. I have indicated only specific points (I have served 5 years as a Santa Clara County Planning Commissioner) but would be happy to discuss in detail (cell: 650-924-3475). Per CEQA, I would like to request a written response to your evaluation of my comments.

1. The review of the Final Bay Area to Central Valley HST Program EIR (2008 Final Program EIR) was not properly notified per CEQA. In fact, the Draft Program EIR Report has **not been properly notified per CEQA**. CEQA requires proper notification to both public and private entities that will be impacted. Public meetings have been intentionally vague, lacking details, incorrectly notified dates and times in the newspaper, do not identify the high speed train route but all sorts of convoluted alternatives, as witnessed in the meeting held in Feb 2010 in Gilroy, CA. I386-1
2. **Pick a HST route.** Alternate paths distract from the actual final alignment issues. The lack of the specific rail route makes it impossible to determine the actual impacts on businesses and residences both directly through displacement and indirectly due to construction impacts, or overall long term rail noise, vibration, water table, flooding, traffic, increased congestion, community development patterns (jobs, population, housing, etc), visual and other local community impacts. I386-2
3. **Pick HST station locations.** Here again, using a sliding alternate location maps cannot determine actual CEQA EIR impacts as confounded by HST routes. The project management group is intentionally vague to deflect or overlook impacts. It also prevents specific detail work, because of the quantity of alternatives. This makes the EIR lack specific details due to the amount of data required for each alternative. I386-3
4. **Factual business and resident HST impact data is missing from the EIR.** The Revised Draft EIR has underestimated business and residential relocation impact numbers. The self defined rules where they state the HST does not impact a residence beyond a 50' distance of the HST are not correct. This specification I386-4

clearly indicates that the HST rail impact is NOT understood at all by the EIR writers. They give me the impression they are just interested in getting the project pushed ahead for their own financial gain.

5. **Land use not properly considered.** The HST project does not meet San Martin Guidelines as outlined in the Santa Clara County General Plan in specific noise, trip frequency, traffic congestion impacts, and rural aesthetics. Note that both HST proposed routes double the existing rail or freeway swaths cut through the town. I386-5
6. **San Martin Town as defined in the Santa Clara County General Plan has not been included in the Land Use Compatibility studies.** The Town of San Martin is not included in Table 2-3, Revised Table 3.7.3-Land Use Summary Data Table for Alignment Alternatives and Station Location Option Comparisons. Chapter 10, sources Used in Document Preparation clearly omits the San Martin Design Guidelines and section included in the Santa Clara County General Plan. I386-6
7. **Incorrect U.S. Census 2000 has been used.** U.S government has already admitted the 2000 Census is grossly understated. Current U.S Census 2010 must be used to reflect the large growth rates in HST routed areas. I386-7
8. **Monterey Highway traffic study in Table 2-4 does not include Bailey to Cochrane Road.** This study is missing in the Table 2-4, Traffic Conditions on Monterey Highway With and Without the Project During Evening Peak Periods (Year 2035). This section of road will be highly impacted. I386-8
9. **Four tracks 1400' long and 45' high on a raised platform with a 70' high building height constitute an extremely high visual impact in Morgan Hill and Gilroy.** Adjustments to the Revised EIR required. I386-9
10. **Modify Table 2-5, Revised Table 3.9.1-Visual Impacts Summary Data Table for Alignment Alternatives and Station Location Option Comparisons. The two track HST line south of Morgan Hill is an extremely high visual impact.** Visual Impact Ranking should be "High" for both Morgan Hill and Gilroy. As stated in the HST Revised Draft EIR, Morgan Hill, San Martin and Gilroy are "small rural towns of Morgan Hill and Gilroy are characterized by mixed residential, commercial, and institutional uses in early to mid-20th century contiguous buildings, with average heights of 2 to 3 stories, minimal setbacks from streets, mature landscaping, and pedestrian-oriented street scapes. Dominant visual features are historic architecture, mature street trees, and the surrounding distant mountainous ridgelines." I386-10
11. **Union Pacific refusal for right-of-way needs to be taken by U.S Law, i.e. the land can be taken by Emanate Domain.** This solves a multitude of problems for Morgan Hill, Gilroy, San Martin and San Jose. Right of Emanate Domain needs to be addressed in the Draft Revised EIR. I386-11
12. **Current alternate route through the east side of US 101 freeway through San Martin is not accurately identified in revised EIR.** Minimum impact is to run tracks adjacent to Union Pacific line rather than east side of US 101. Impact to both residential, business, traffic, noise, etc is more than quadrupled when aligned east of US 101. Will be glad to provide data upon request to back up this statement. I386-12
13. **Revised Costs of Operation do not accurately state construction costs, cost for relocation or proposed HST fare ticket costs.** Accurate costs need to be used rather than costs calculated so the project can move forward. Average costs (in dollars) is underestimated in Table 5-1, Revised Table 4.2-1-High-Speed Train Alignment Alternatives Capital Cost (in 2006 dollars). MTC estimate for both ridership and revenue has been overestimated both for the short and long term. Factual estimates, rather than their back calculated numbers used to move the project forward need to be updated in the Revised EIR. I386-13
14. **Land Use and Planning, Communities and Neighborhoods, Property, and Environmental Justice in Table 6-1, revised Table 7.2-12: Pacheco Pass: San Francisco and San Jose Termini Compatibility is a "LOW" rating, not a "high" rating as indicated based on actual impacts.** The global motherhood all inclusive non-specific statements contained within the Revised EIR need to factually represent summarized detailed data, rather than wishful statements by EIR writers or project managers that financially benefit from the project. I386-14
15. **Current HST project as defined in the Revised EIR does not meet California Measure for funding based on HST travel times.** The workaround to have a single northern CA to southern CA train, with the remainder failing to meet required travel times, does not meet the intended criteria in the CA Measure voted on by the public. I386-15

Comment Letter I386 - Continued

16. Unavoidable adverse environmental impacts between San Jose to Gilroy in Table 8-1, revised Table 9.3-1-Summary of Key Environmental Impacts/Benefits of Alternatives should STOP the current alignment, and push Parsons to look at the eastern foothills as a viable rail route. San Francisco project management Dave Mansen has stated "the eastern rail route is not being considered because the environmental groups would make it difficult." **The EIR must include this alternate route in the Draft Revised EIR.**

1386-
16

Thank you,

Richard J. Palmisano

Response to Letter I386 (Richard L. Palmisano, March 22, 2010)

I386-1

We disagree with this comment. The Authority has provided notice of the 2010 Revised Draft Program EIR Material to all commenters on the 2008 Final Program EIR, as well as all individuals, organizations, and entities identified on a mailing list for project-level environmental studies related to the HST system within the Bay Area to Central Valley study area.

I386-2

Comments acknowledged. The 2008 Final Program EIR considered alternatives from the Central Valley to the Bay Area. Should a Network Alternative be chosen that includes Pacheco Pass, the San Jose to Merced Project EIR will consider alignment alternatives in six subsections between San Jose and Merced. A number of alignment alternatives were brought forth in the Scoping process conducted in 2009, including several in the subsection between Bailey Road and Casa de Fruta. Four of those alternative alignments, all which pass through San Martin, will be reviewed as part of the project-level environmental analysis.

I386-3

The Authority disagrees with the comment. The station selection process is part of the review of alternatives for the current San Jose to Merced Project EIR, described in Response to Comment I386-2.

I386-4

This comment states that a 50-foot study corridor is too narrow for the program-level analysis. Chapter 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Chapter 3.7 of the May 2008 Final Program EIR discuss the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and

environmental justice is 0.25-mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

This comment also opines that the EIR writers give the impression that they are only interested in pushing the project forward for their own financial gain. The commenter does not provide evidence to support this opinion. In fact the 2008 Final Program EIR is an independent analysis of 21 network alternatives, which identified that the HST project would result in significant impacts to the physical environment.

I386-5

See Response to Comment I274-6.

I386-6

See Response to Comment I274-6.

I386-7

The project-level EIR/EIS will provide an analysis based on current U.S. Census projections.

I386-8

Since this is a program-level analysis, Table 2-4 (of the Bay Area to Central Valley HST Program EIR/EIS) was added to provide a general idea of traffic conditions on Monterey Highway in the region where it

would be reduced in width from six-lanes to four-lanes, thereby providing a general idea of the traffic congestion in the Monterey Highway corridor, with and without the proposed HST project. Detailed information and analysis of potential traffic impacts, including traffic conditions in Monterey Highway, between Bailey and Cochrane roads, and feasible mitigation measures will be included in project-level EIR/EISs.

I386-9

While both the station options for Morgan Hill and Gilroy have been described as elevated in the Program EIR, the commenter seems to be reflecting the dimensions for the San Jose HST station, which is much taller as it is proposed to be located above the existing railway platforms at the Diridon San Jose Caltrain station.

The 2010 Revised Draft Program EIR considered a HST built mostly adjacent to the existing UPRR through South Santa Clara County. Building the HST adjacent to the existing railway was accurately described as having a low visual impact, because it was adding something visually similar to the environment. Higher, ""Medium"" rankings were applied to locations where the HST would be more visually apparent.

I386-10

See Response to Comment I386-9 above.

I386-11

Commented acknowledged. For a discussion of UPRR issues, see Standard Response 9.

I386-12

The 2010 Revised Draft Program EIR Material is not looking at alignments along US 101 in San Martin.

I386-13

As described in Section 5.2 Revised Capital Costs of the Revised Draft Program EIR Material, the capital costs are representative of all aspects of the implementation of the proposed HST system,

including construction, right-of-way, environmental mitigation, and design and management services. See Standard Response 4 regarding ridership.

I386-14

The Revised Draft Program EIR Material states that the majority of the the network alternative is highly compatible, given that it is within or immediately adjacent to an existing major rail or highway right-of-way for most of the alignment. It also states that the network alternative exhibits low compatibility where it connects to the UPRR N/S or BNSF N/S in the Chowchilla area and a medium compatibility along the BNSF N/S Alignment in the Central Valley. Because this is a program-level document, the analysis considered land use compatibility on a broad scale. Potential project-level impact regarding land use compatibility will be addressed in the project-level EIR/EIS.

I386-15

The Authority disagrees with this statement. Phase 1 of the HST is planned to achieve the nonstop service travel times between San Francisco and Los Angeles and Anaheim as identified in subdivision (b) of Section 2704.09 of the Streets and Highways Code.

I386-16

Please note that Table 9.3-1 of the 2008 Final Program EIR reviews potential unavoidable impacts for all of the alignments and 21 network alternatives reviewed in the 2008 Final Program EIR, not just the preferred alternative identified in Chapter 8 of that document.

The Authority notes that an east foothill alignment was withdrawn from consideration in 2005. Among the reasons for withdrawal were potential environmental concerns. The Authority also notes that this alignment was not adjacent to an existing transportation corridor. The Authority's planning for the HST system since 2000 has been consistently based on locating the HST corridor within or adjacent to major existing transportation corridors, such as rail or highway corridors.

Comment Letter I387 (Daniel Gudgel, April 23, 2010)

I387**Kris Livingston**

From: Daniel Gudgel [d.gudgel@sbcglobal.net]
Sent: Friday, April 23, 2010 1:35 PM
To: HSR Comments
Subject: High Speed Rail - Lemoore Area, California

Subject: Comments on Revised EIR "Bay Area to Central Valley High-Speed Train"

Name: Dan Gudgel; 134 South Olive Street; Lemoore, CA 93245; Phone 559-696-9697

Briefly, I do not wish to see a "bullet train" route take up any more prime farm land. This state is paving over way too much blessed soil and we need the open space for our children, grandchildren, and the good of the nation to insure a secure food supply. High Speed rail is likely to bring commuters and stress local infrastructure by sacrificing farm land if this consideration is not made. See if you can use existing highway right-of-ways/center-strips to build elevated train lines thereby minimizing rail foot prints. Expansion of rail routes to include regional rail would be as useful or even more than a "bullet train." Again, please see if existing rail routes or use elevated lines (such as a monorail) over the highways to keep cities tied together by rail rather than trying to purchase and build new routes over farm land.

I387-1

Response to Letter I387 (Daniel Gudgel, April 23, 2010)

I387-1

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Agriculture was not one of those topics. Please see Chapter 3.8 of the May 2008 Final Program EIR regarding mitigation strategies and the program level. The Authority has sought to utilize existing transportation corridors to the greatest extent feasible to minimize environmental impacts, including farmland. Aligning the HST system with existing transportation corridors also presents opportunities to minimize the need for private property acquisitions and farmland conversion in some areas. See Chapter 2 of the 2008 Final Program EIR for a description of the MTC Regional Rail Plan.

Comment Letter I388 (Robert S. Allen, March 27, 2010)

03/27/2010 19:31 9254491387

KEN GUNN

PAGE 01

I388

Dan Leavitt
CA HSRA
Comment to DPEIR
and 2/10/10 related letter
to Gov. Schwarzenegger
Robert S. Allen

223 Donner Avenue
Livermore, CA 94551-4240

27 March 2010

Dan Leavitt
CA HSRA

Re: Bay Area to Central Valley HST Revised DPEIR

Please consider these revisions:

1. Add a station at Santa Clara.

Caltrains' Santa Clara station (now shared with ACE and Capcor) is close via Caltrain to several major Silicon Valley stations. Plans call for future BART and SJV airport rail there also.

I388-1

Millbrae-Santa Clara HST (with airport SFO and SJV rail) could greatly simplify both planned and emergency inter-airport travel. Same with SJV-OAK when HST goes East Bay.

2. Secure an ample peninsula rail corridor.

Plan structures and acquire land for a fenced and grade-separated 5-track trainway between Millbrae and San Jose.

Slope/drainage/fencing/toe path.
2 tracks on the west (land) side for local commute (future BART) tracks.

Maintenance roadway/utilities.
2 tracks for HST and bullet trains.

Maintenance roadway/utilities.
1 non-electrified freight track on the east (water) side for heavy and oversized freight.
Slope/drainage/fencing/toe path.

I388-2

Balance cut and fill to provide for grade separations, island platforms, and drainage. Design tangent commute stations to allow for future BART high platforms with minimum gap. Consider a future Muni express line to SFO north from Millbrae and mostly in the trainway.

3. Defer electrifying Caltrain local commute.

BART around the Bay as part of a 5-county rail transit district would bring BART frequencies, labor efficiency (AFC, one-operator trains), and through trips with less sound and air pollution. Bonds equal to those that funded BART in 1962 would raise \$16 billion in 2010 dollars.

I388-3

cc: BART Directors
MTC Commissioners
Caltrain Directors
SF Muni

Robert S. Allen
Robert S. Allen
Retired SP Engineering/Operations
BART Director (1974-1988)
(925) 449-1387

03/27/2010 19:31 9254491387

KEN GUNN

PAGE 02

223 Donner Avenue
Livermore, CA 94551-4240
13 February 2010

Governor Arnold Schwarzenegger

RE: 5-County Rail: BART around San Francisco Bay

Five counties with six million people ring San Francisco Bay: Santa Clara, Alameda, Contra Costa, San Francisco, and San Mateo. Now is the time to bring those five counties into a single rail district, as the state formed the BART district in 1957. Let the people vote – as they did for BART in 1962 – on bond funding for BART around the Bay. (The 1962 BART bonds were paid off a decade ago.) Adjusted for inflation and the 5-county population, an equivalent bond issue would raise about \$16 billion today.

I388-4

I388-5

BART, High Speed Rail, and Caltrain Bullet trains could share secure, grade-separated trainways. Fast and frequent electric trains would emit no exhaust. They would link with one another, the airports, local transit, and all major communities in the Bay Area. BART around the Bay could let trains by-pass a disaster in the trans-Bay tube. This plan is well-balanced and feasible!

I388-6

Peninsula BART:

- *Widen and grade separate the peninsula rail trainway north from San Jose.
2 commute tracks on west, 2 HSR/Caltrain bullet in middle, 1 freight on east side.
- *Convert Caltrain commute to BART between San Jose and SFO (Millbrae).
- *Discontinue Caltrain commute into downtown San Francisco (served by BART).
- *Keep a diesel freight track east of the HSR tracks (where most rail-served industry lies).
- *Build the San Francisco trainshed for only HSR and Caltrain bullet (not commute) trains.

I388-7

East Bay BART:

Fund acquisition of right of way to widen freeways for median BART at grade:

- *I-580, Dublin-Pleasanton to Greenville Road, Livermore;
- *SR-4, Pittsburg to Brentwood;
- *I-80, El Cerrito del Norte to Crockett.

I388-8

Silicon Valley BART:

- *Keep BART at grade on old WP (and over US 101) from Berryessa to San Fernando Street.
- *Tunnel under San Fernando Street instead of Santa Clara Street; add an SJV station.
- *Aim BART directly into Caltrain ROW at San Jose Diridon, not subway under Stockton Street. These changes should save several miles of extremely costly tunnel.

I388-9

Comment Letter I388 - Continued


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Other related projects:

- *A BART Oak/Masonic subway from Civic Center to the Presidio and Golden Gate Bridge;
(Alternate turnback for trans-Bay trains) | I388-10
- *Grade separate and multi-track UP's Mulford line for CapCor bullet trains and heavy freight;
(Shorten and reduce curvature on CapCor route) | I388-11
- *A BART or HSR tunnel linking SFO and OAK airports; | I388-12
- *Grade separate the railroad from Elmhurst to Port Costa; | I388-13
- *A BART West Oakland bypass and Amtrak Intermodal near Magnolia/Homestead; | I388-14
- *BART over the Altamont in place of the projected new line and costly tunnelling for ACE; | I388-15
- *Tube under Suisun Bay (Port Costa-Benicia) for HSR and bullet trains. | I388-16
(Shorten Capitol Corridor and eliminate possible bridge delays.)

Fast, frequent, comfortable, dependable, and safe non-polluting electric trains ringing the Bay could do much to simplify how we get around; reduce auto congestion and smog; and survive an earthquake. | I388-17

Please do what you can to get such a five-county district organized. | I388-18


Robert S. Allen
BART Director (1974-1988)
Retired SP Engineering/Operations
(925) 449-1387

Cc: Bay Area legislators
MTC Commissioners
BART Directors
CA HSRA Directors
Caltrain Directors
Capitol Corridor Directors
ACE Directors
Caltrans District 4
UP RR, Roseville

Response to Letter I388 (Robert S. Allen, March 27, 2010)

I388-1

Comment acknowledged.

I388-2

Comment acknowledged.

I388-3

See Standard Response 10.

I388-4

Comment acknowledged. Examining expansion of the BART district is outside the scope of the HST project.

I388-5

Comment acknowledged.

I388-6

Comment acknowledged. Determining the ability for BART, Caltrain, HST and freight service to share the Caltrain Corridor is beyond the scope of the HST EIR.

I388-7

Comment acknowledged. Please see Response to Comment I388-6.

I388-8

Comment acknowledged. Determining future BART facilities and services is beyond the scope of the HST EIR.

I388-9

Comment acknowledged. Please see Response to Comment I388-8.

I388-10

Comment acknowledged. Please see Response to Comment I388-8.

I388-11

Comment acknowledged. Determining freight and commuter rail facilities and services along the Mulford line is beyond the scope of this HST EIR.

I388-12

Comment acknowledged.

I388-13

Comment acknowledged.

I388-14

Comment acknowledged.

I388-15

Comment acknowledged.

I388-16

Comment acknowledged.

I388-17

Comment acknowledged.

I388-18

Comment acknowledged.

Comment Letter I389 (Walter Strakosch, April 26, 2010)

I389

Kris Livingston

From: Walter Strakosch [strakosc@pacbell.net]
Sent: Monday, April 26, 2010 11:24 AM
To: HSR Comments
Subject: Comments on Draft Program EIR
Attachments: Draft EIR-April 26,2010.doc

Attached are my comments on the Bay Area to Central Valley Revised draft EIR.

Thanks.

Walt Strakosch

Bay Area to Central Valley Revised Draft Program EIR Material Comments

My name is Walter Strakosch, I reside in Mill Valley. I offered comments to the Draft EIS/EIR on Sept. 26th and Nov. 14, 2007 and we have been down this road before but with the price of this project going beyond \$40 Billion dollars—if only that much--the cost of the Pacheco Pass (PP) vs. the Altamont Pass (AP) becomes even more critical when according to the new figures, in the Revised Draft EIR, the cost to build via the AP is \$1,657,000,000 **less** than via the PP. This has to do with the mileage and costs of the Altamont Pass vs. the Pacheco Pass from the Valley to the Bay Area.

The draft and final EIR/EIS shows that the routing via the PP is *less* expensive to build than via the AP. ***I believe the assumption has been made that the extension to Sacramento may never be built, if so than the figures have some validity.*** Baring that, the total cost of the PP vs. the AP as shown in the DEIR/EIS and final are not accurate and that the milage figures should be shown from where the line to the bay Area leaves the San Joaquin Valley. In the case of the PP it would be near Merced in the case of the AP it would be near Stockton.

I389-1

The mileage via the AP (where it branches off a SJV line to Sacramento near Stockton) to where it joins the Caltrain line on the west side of the Bay is about 83 miles, and at a per mile cost of \$58,989,860 is a total of \$4,896,058,380.

The mileage via the PP from the Valley (near Merced) to San Jose, where it joins the Caltrain ROW is about 140 miles. At a per mile cost of \$46,807,621 is a total of \$6,553,066,940 or about \$1,657,000,000 more to build than the AP.

That saving would be enough to build HSR from Stockton to Sacramento with, probably, some left over.

Over 100 years ago the SP and the Western Pacific RR's were able to build through the AP with pick and shovel, horses and wagons and, perhaps, dynamite, successfully, yet we have an issue with logistical and seismic issues. With regard to the Bay Crossing; we have built or rebuilt four Bay Area Bridges in the past 10

I389-2

Comment Letter I389 - Continued

years but we seem to have a major issue with rebuilding a rail bridge with the carrying capacity of all four auto bridges combined.

I389-2
cont.

Finally, catchment areas: A \$1,657,000,000 saving plus the potential added ridership from the northern SJV cities seem to make the AP a more prudent choice. It was stated that the ridership of Monterey County, via a station at Gilroy, would drive up the HSR ridership. Monterey County's population in 2003 was 415,800. The population of Merced, Modesto and Stockton cities totals 689,700, eliminate Merced and you still have 622,100 or an edge of 206,300 more potential passengers for the AP from those cities. It would appear the Valley wins hands-down on ridership potential.

I389-3

Thank you for allowing me to present these comments.

Walter Strakosch
Strakosc@pacbell.net
415 388-6206
April 26, 2010

Response to Letter I389 (Walter Strakosch, April 26, 2010)

I389-1

See Response to Comment 0010-19.

I389-2

See Response to Comment I011-13.

I389-3

Comment acknowledged. Both Altamont Pass and Pacheco Pass representative network alternatives show high ridership potential. While Altamont Pass has the potential to achieve higher ridership between the Bay Area and northern Central Valley (Merced northward), Pacheco Pass has the potential to achieve higher ridership between the Bay Area and areas from Fresno southward (including the Los Angeles and San Diego regions).

Comment Letter I390 (Miyuki Friedman, April 19, 2010)

I390**Kris Livingston**

From: Miyuki Friedman [MiyukiF@Pacbell.net]
Sent: Monday, April 19, 2010 11:15 PM
To: HSR Comments
Cc: Miyuki Friedman
Subject: Comment on High-Speed Train

To whom it may concern,

I have received a post card about the environmental impact report material for the High-speed train. I would like to get some particular information since I live across from the *cal train track*. I understand that there was a public meeting in San Jose. How about people live in mid peninsula? Will there be a meeting held in other location rather than San Jose?
Basically, I would like to know:

I390-1

1. the expected noise level by distance from the train track
2. is there a program that will cover noise reduction window material for the affected residence
3. estimated construction schedule

I390-2

I would appreciate it if you can inform us in simpler format. I tried the web site link but it was not easy to understand. If there were a simple power point presentation type summerized document would be very helpful.

I390-3

Thank you and Best Regards,
Miyuki Friedman
640 San Antonio Ave.
San Bruno, CA 94066
650-669-1897

Response to Letter I390 (Miyuki Friedman, April 19, 2010)

I390-1

Substantial outreach through the preparation of the program documents was conducted. The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Outreach was not one of those topics. Please see Chapter 10, Public and Agency Involvement, in the 2008 Final Program EIR. The Authority conducted scoping activities for the Bay Area to Central Valley HST Draft Program EIR/EIS including meetings in San Jose, San Francisco and four other cities. The Authority held a total of eight public hearings, including in San Jose and San Francisco to present the Draft Program EIR/EIS and to receive public comments between August 23, 2007 and September 26, 2007. The Authority has endeavored to provide the broadest possible notice of the 2010 Revised Draft Program EIR Material. Notification was provided in 8 newspapers including the San Francisco Examiner and San Jose Mercury News. A Notice of Availability and Notice of a Public Meeting postcard was further distributed to over 50,000 individuals identified as part of on-going project-level engineering and environmental studies. The Revised Draft Program EIR Material and a Notice of Availability and of a Public Meetings was also made available to 16 libraries for public viewing. Two public meetings were held on April 7, 2010 in San Jose on the Revised Draft Program EIR. If the Authority proceeds with a network alternative that involves cities along the Peninsula at the project level, the Authority will continue its efforts at public outreach in the area.

I390-2

See Standard Response 3.

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. This analysis will address both short-term construction impacts and long-term operational impacts.

I390-3

Comment acknowledged. The Authority will continue its efforts to make web-site accessibility to its documentation as simple and user-friendly as possible.

Comment Letter I391 (Mark F. Wynne, April 21, 2010)

I391

Mark F. Wynne
P.O. Box 2085
El Granada, CA 94018

APR 23 2010

April 21, 2010

Dan Leavitt
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Re: Comments to Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority,

This letter is to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area. The EIR is fatally defective due to its failure to consider seriously the Altamont Route for linking the Central Valley to the greater San Francisco Bay Area. In fact, the Altamont Pass is the best route for the following environmental reasons:

- ♦ The Pacheco route now being favored by the Authority is predominantly undeveloped and crosses the largest roadless wilderness area in the Coastal Range and the second largest state park in California. Damage from building high speed rail through this contiguous wilderness area will be severe and essentially unmitigatable. I391-1
- ♦ The Pacheco route would impact a biologically rich habitat with unique, intact California landscape of oak woodlands, sycamore valleys, stream-fed canyons and pine topped ridges. This route would affect species such as bobcats, mountain lions, the San Joaquin kit fox, tule elk, pronghorn, golden eagles, wintering bald eagles, red-tail hawks, burrowing owls, the California tiger salamander, red-legged frog, western pond turtle, rainbow trout, foothill yellow-legged frog and bay checkerspot butterfly. I391-2
- ♦ By contrast, Altamont, the route of Interstates 580 and 680, is one of the busiest transportation corridors in the Bay Area. CEQA requires that high-volume transportation corridors be given preference over those with lower volume and population. I391-3
- ♦ The Pacheco route would promote new sprawl by opening up transportation patterns where none currently exist, including a new Pacheco route station. Construction of this station is likely to spawn a new suburb with unacceptable air quality impacts for the Central Valley. I391-4
- ♦ In 1996, the Authority's predecessor organization, the California High Speed Rail Commission (HSRC) found that the Pacheco route has the "highest potential for water resource impacts." "There are substantially more water crossings associated with [the Pacheco] alignment including 20 small streams between the San Joaquin River and Los Banos." I391-5
- ♦ The HSRC also found that visual impacts are much greater for the Pacheco alignment than for Altamont. I391-6

I believe that the law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed without adequate analysis the use of the


Altamont Pass route. The law requires you to eliminate or mitigate the undeniable impacts of the project and to do this to the greatest degree feasible.

I request that you revise the Draft EIR and re-circulate the revised draft for further review and comment by the public. The revised draft should study and fully evaluate using the Altamont route for the high speed rail link from the Central Valley to the Bay Area.

I391-8
cont.

Thank you for your consideration.

Sincerely,



Mark F. Wynne

Response to Letter I391 (Mark F. Wynne, April 21, 2010)

I391-1

Please see Response to Comment L022-1.

I391-2

The Authority disagrees with the comment. The recommended preferred alternative does not cross Henry Coe State Park, and it follows the SR-152 corridor. See Chapter 7 of the 2010 Revised Program EIR Materials, for the rationale behind the recommendation for the Pacheco Pass alternative that minimizes impacts on the environment.

I391-3

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Impacts of Altamont and Pacheco alignment alternatives on biological resources and mitigation strategies were considered in Chapter 3.15 of the May 2008 Final Program EIR. It was noted that both routes would result in significant impacts. The network alternatives, discussed in Chapters 7 and 8 of the Final Program EIR. The U.S. EPA and the U.S. Army Corps of Engineers concurred that the Pacheco Pass alternative serving San Francisco and San Jose termini is most likely to yield the "least environmentally damaging practicable alternative" (LEDPA) consistent with the USACE's permit program (33 CFR Part 320–331) and USEPA's Section 404(b)(1) Guidelines (40 CFR 230–233).

I391-4

CEQA includes numerous provisions regarding the appropriate procedures for evaluation of alternatives and impacts. The final decision on a network alternative is within the discretion of the Authority board, with consideration of its legal obligations. We are not aware of any requirement in CEQA or otherwise that "high-volume transportation corridors be given preference over those with lower volume and population."

I391-5

The comment states that the Pacheco route would promote new sprawl by opening up transportation patterns where none currently exist, including a new Pacheco route station. It is unclear what potential station option the commenter is referring to. The staff recommendation in favor of the Pacheco Pass Network Alternative serving San Francisco via San Jose would not include a station in Los Banos, consistent with language in Proposition 1A prohibiting a station from being located in Los Banos. Growth along the Pacheco Pass is therefore not anticipated. See Chapter of the May 2008 Final Program EIR.

I391-6

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Hydrology and water resources was not one of those topics. Please see Chapter 3.14 of the 2008 Final Program EIR. The Pacheco Pass alignment alternative has changed since 1996.

I391-7

In the 2008 Final Program EIR, Table 3.9.1, Visual Impacts Summary Data Table for Alignment Alternatives and Station Location Option Comparisons, had a mix of visual impacts rankings for both the Pacheco and Altamont alignment alternatives, based on a much deeper analysis than the 1996 California High Speed Rail Commission report. The project-level EIR/EIS will include a more detailed analysis of the material than the program EIR does.

I391-8

It was determined in the court case of Atherton et al that the Authority did present a reasonable range of alternatives and examination and analysis of those alternatives, which resulted in the selection of the Pacheco Pass alternative over the Altamont alternative.

Comment Letter I392 (Sally Baker, April 19, 2010)

I392

Kris Livingston

From: Sally Baker [sally@baker.sbcoxmail.com]
Sent: Monday, April 19, 2010 4:13 PM
To: HSR Comments
Subject: Bay Area to Central Valley HST Revised Draft Program EIR Material Comments

I want to voice my opposition to the proposed High Speed Rail which would go right by my house, 381 Old County Rd San Carlos.

When we purchased the property, we were willing to live close to CalTrans train traffic. But having additional traffic was not something we anticipated nor want.

Please register me as being opposed to this project which will run close to my (and other's) single family home(s).

Thank you,
 Sally Baker

I392-1

Response to Letter I392 (Sally Baker, April 19, 2010)

I392-1

Comments acknowledged.

Comment Letter I393 (Paul_Quinlan, April 19, 2010)

I393

Kris Livingston

From: Paul Quinlan [pquinlan@metabolex.com]
Sent: Monday, April 19, 2010 10:10 AM
To: HSR Comments
Subject: EIR letter
Attachments: EIR Letter.doc

See attached letter for my comments.

Paul T. Quinlan
3876 Bay Center Place
Hayward, CA 94545
(510) 293-8123 Phone
(510) 293-6853 Fax

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Paul Quinlan

3876 Bay Center Place
Hayward, CA 94545

April 19, 2010

Dan Leavitt
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

VIA e-mail to comments@hsr.ca.gov

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Sir:

I would like to comment on the EIR prepared on the HSRA's proposed routing of HSR in the San Francisco Bay Area. HSRA's proposed project routing would significantly impact the San Francisco Bay Area without providing commensurate benefits. These impacts include, but are not limited to, noise and vibration impacts, view impacts, business impacts, impacts on trees and other vegetation, and increased public safety dangers. These impacts could be eliminated by ending the HSR line in San Jose. There is already existing rail infrastructure and trains running from San Jose to San Francisco. Building redundant HSR infrastructure between those two points is not only inefficient and wasteful but also unnecessarily negatively impacts, *inter alia*, the natural environment. Just as conservation is the best approach to most environmental problems, not building something that is unnecessary (the HSR segment from San Jose to San Francisco) is the best way to reduce the environmental impacts of this segment of HSR.

I393-1

I believe the law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed without any analysis stopping HSR at San Jose. The law requires you to identify ways to eliminate or to mitigate the undeniable impacts of the project, and to do this to the greatest degree feasible.

I393-2

I request you to revise the Draft EIR, and then recirculate a Revised Draft EIR for further review and comment by the public. The Revised Draft should study the "stopping at San Jose" route alternative.

I393-3

Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Yours truly,

/s/ Paul Quinlan

Response to Letter I393 (Paul Quinlan, April 19, 2010)

I393-1

See Standard Response 10.

I393-2

See Standard Response 10 regarding alternatives.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

I393-3

The Authority has revised and recirculated certain portions of the May 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

See Standard Response 10 regarding alternatives.

Comment Letter I394 (Galen, April 24, 2010)

I394

Kris Livingston

From: galen [denzen@umich.edu]
Sent: Saturday, April 24, 2010 11:19 AM
To: HSR Comments
Cc: PA HSR; galen; PA Patriot; PA City Council; Dave Price; Gennady Sheyner; Sharon Kyle; Mike Brady; Gavin Newsom; Yoriko Kishimoto; Nancy Pelosi; Peninsula Rail Program; Peninsula Rail Program; Heyward Robinson; Margaret Abekoga; Bern Beecham; Gary Baum; James Keene; John Barton; Barbara Boxer; Karen Kaplan; Karla Kane; SJMN Local; Ken McLaughlin; Jessica Bernstein-Wax; Gary Patton; Rod Bersamina
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

My attached comments address the entire HSR project, not just the revised EIR.

I voted for Proposition 1A but would not do so today knowing what i now know about the disaster that is about to befall the people of the State of California, particularly the folks living along the planned HSR route, should this insane project not be scuttled. I adamantly oppose this entire project for the following reasons: I394-1

1) The HSR ballot initiative passed only because the facts of the full impact of the project — including total cost, the plan to run an elevated track the length of the Peninsula, and the power to seize private property — were purposely hidden from the voting public in a clear case of election fraud. Election fraud is ILLEGAL, i want to see the people responsible stand trial, including but not limited to Kopp and Diridon. I394-2

2) State, Federal, and global economies are in free fall, borrowing a record 43 to 50 billion dollars to build a luxury HSR in California is criminally irresponsible. Every single HSR in the world loses money every year and must be subsidized by the tax payers. Since the State of California is already bankrupt, how can it be expected to subsidize a HSR that is designed mainly for well-to-do business travelers? Furthermore, Proposition 1A expressly PROHIBITS the HSRA from fleecing the taxpayers for any more money than the \$9.95 billion approved in the fraudulent election. By law, the HSRA can NOT get any more money from the taxpayers than the \$9.95 billion set aside in Proposition 1A. I394-3

Response to Letter I394 (Galen, April 24, 2010)

I394-1

Comment acknowledged.

I394-2

Comment noted. Comment speculates as to reasons for passage of Proposition 1A and asserts election fraud occurred. This topic was not identified by the Superior Court in the Town of Atherton case as requiring further CEQA work. Note that no evidence of fraud in the election has been presented.

I394-3

Comment acknowledged. Please see Standard Response 8 for information on the Business Plan regarding funding. Over 45 years in many countries around the world, HST has repeatedly proven its ability to cover its operating costs and return a profit.

Comment Letter I395 (Julia Mayberry, April 24, 2010)

I395

Kris Livingston

From: Julie Mayberry [jdmayberry@gmail.com]
Sent: Saturday, April 24, 2010 1:15 PM
To: HSR Comments
Subject: High speed railway

Dear Sir or Madam:

I am opposed to any above ground structure for the high speed railway. I am also concerned with the noise of such a system and the taking away of people' homes and grounds. | I395-1

Sincerely, Julia Mayberry

Response to Letter I395 (Julia Mayberry, April 24, 2010)

I395-1

The comment expresses concerns about noise and property acquisitions. Comment acknowledged. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of visual and land use impacts will be conducted for the project-level EIR/EISs. See Standard Response 5 in regards to noise, Standard Response 6 in regards to property values, and Standard Response 7 in regards to eminent domain.

Comment Letter I396 (Patricia Gormley, April 23, 2010)

Kris Livingston

I396

From: pm gorm [pgormlet@yahoo.com]
Sent: Friday, April 23, 2010 9:18 AM
To: HSR Comments
Cc: pgormlet@yahoo.com
Subject: Bay Area to Central Valley Revised Draft Program - Level EIR Material Comments
Attachments: comments2EIR040262010.doc

The attached Word (.doc) file contains my timely submitted comments on the Bay Area to Central Valley HSR Draft & Revised Draft - Level EIR.
 Thank you for your attention to this important matter.
 Sincerely,
 Patricia Gormley

Dan Leavitt, Deputy Director
 California High Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814

Subject: Bay Area to Central Valley Draft & Revised Draft EIR - Level Comments

Dear Mr. Leavitt:

I request that this letter be included in the public comment and analysis for the 2008 draft and 2010 revised draft High Speed Rail Environmental Impact Reports (the HSR DEIRs). The Pacheco program alternative alignment through the Greater Gardner Neighborhood will be referred to herein as the Gardner Alignment.

I396-1

3.1 Traffic, Transit, Circulation, and Parking

If selected, the Gardner Alignment would require a change from the current *at grade* railroad crossing to an *above grade* crossing at W. Virginia Street in San Jose. Such a modification would block W. Virginia Street to pedestrian and vehicular traffic at one of two access points to Gregory Plaza of the Greater Gardner Neighborhood with the following impacts:

- a) The Gregory Plaza community would be divided into two isolated segments;
- b) The larger southeast segment would have only *one access point*;
- c) The southeast segment would lose several degrees of *traffic* freedom due to loss of signal light access at W. Virginia Street and Bird Avenue;
- d) The absence of a second access point combined with the narrow, winding streets through the Gregory Plaza southeast segment would:

- 1) requires fire trucks, EMT vehicles, garbage/recycle trucks, moving and Fed-Ex/UPS/Other delivery trucks to *back up* to exit at Fuller Avenue; the vehicles would then need to *back into* oncoming, high speed traffic traveling south along Bird Avenue creating a traffic hazard;
- 2) interfere with goods movement;
- 3) result in inadequate emergency access and response time;
- 4) negatively affect residential parking;
- 5) delays with continuously increasing queue lengths to exit at Fuller Avenue.

I396-2

Residents would lose entry to the southeast neighborhood segment from the east and south. Residents would lose their exit from the southeast neighborhood segment to the north and east. The frequency of U-turns would increase significantly at Hull/Bird Avenues and W. Virginia St./Bird Avenue. The U-turn frequency increase would create congestion on Bird Avenue which is a major traffic artery connecting I-280 /San Jose downtown to the westside neighborhoods and local commercial centers. Reduced access, impaired navigation and loss of a corridor controlled by a traffic signal were not discussed in either the HSR DEIRs. The impact of the Gardner Alignment's on the Gregory Plaza Neighborhood is significant.

If selected, the Gardner Alignment would require a substantial construction phase with the associated worker parking and staging of equipment and materials. The traffic and parking in the Greater Gardner Neighborhood from these activities would have the following impacts:

- a) workday traffic increase in vehicle congestion beyond our current morning/evening level (from SR-87/Alamden Expressway to Bird Avenue/I-280 shortcuts.);

I396-3

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Comment Letter I396 - Continued

- b) garbage day traffic increases and periodic street blockages as construction and garbage/recycling trucks negotiate our narrow, winding streets, many of which are dead-ended at I-280, SR-87 or the Caltrains right-of-way (ROW);
- c) creation of a new traffic source from heavy, construction equipment, material delivery trucks, and workers' vehicles on narrow, winding streets;
- d) redistribution of traffic to local streets of less capacity and lower structural integrity;
- e) competition between construction workers and residents for limited parking.

If heavy trucks and workers' vehicles enter the Greater Gardner Neighborhood from I-280/Bird Avenue, three local streets permit left turns from Bird Avenue (W. Virginia Street, Hull Avenue, and Coe Avenue.) W. Virginia Street and Coe Avenue intersections have signal light control. Access to Hull Avenue is via a passive left turn cut-out lane in the concrete median of Bird Avenue. Hull Avenue receives most of the traffic, yet its width shrinks from 34 feet in the Bird-Delmas block to 30 feet in the Delmas-Prevost block. With parking on both side of the street, local traffic would be disrupted during the foreseeable construction traffic. What route(s) would heavy trucks take going to and from the job site? Who will be responsible if residents' vehicles or property is damaged by construction vehicles? Where would the construction staging be? What would the work hours and days be? Would work rules be enforceable? The impact of the Gardner Alignment's construction on the traffic and parking in the Greater Gardner Neighborhood was not discussed in the HSR DEIRs. The impact of the Gardner Alignment's contribution to traffic and parking is potentially significant.

I396-3
cont.

If selected, any HSR Alignment using the Caltrain ROW would disrupt Union Pacific Railroad freight (UPRR), Caltrain Commuter Service, and Amtrak Passenger Service. It is foreseeable that trains would be halted frequently due construction activities and rail traffic control along the existing rail corridor. Schedules of these trains would not be reliable leading to potential loss of service. Many trains would idle along Fuller Park which abuts residential properties. The engine noise, vibrations, and diesel exhaust of these idling trains during HSR construction was not discussed in the HSR DEIRs, nor was loss of service due to lack of schedule reliability. The impact of any HSR Alignment using the Caltrain ROW to traffic, transit and parking is potentially significant.

I396-4

3.3 Air Quality

If selected, the Gardner Alignment would minimally have the following air quality impacts:

- a) a construction phase of months to years in duration:
- 1) new source of air-borne particulates from movement of millions of cubic yards of earth;
 - 2) diesel exhaust (particulate and gaseous) from idling UPRR/Caltrain/Amtrak trains, heavy construction equipment, trucks and workers' vehicles;
- b) loss of more than 300 trees along the Caltrain ROW south of Diridon Station would remove our neighborhood *lungs*:
- 1) loss of the photosynthetic conversion of carbon dioxide to oxygen is a negative impact to our urban neighborhoods, bounded by I-280, SR-87 & the Caltrain ROW;
 - 2) new, higher localized concentrations of carbon dioxide;
- c) increased frequency and faster HSR trains on an elevated track bed would be a new source of constant particulate spray over a wider segment of properties adjacent to the Gardner Alignment.

I396-5

If selected, the Gardner Alignment would require construction of two new HSR tracks adjacent to the existing two rail track in the Caltrain ROW. Millions of cubic feet of earth would be moved along this corridor resulting in generation of significant air-borne particulates and diesel exhaust. Dust and diesel exhaust contains both hazardous air-borne particulates and carcinogenic gaseous by-products.

From the US Dept of Labor Department of Occupational Safety & Health Administration:

Due to expanding use of diesel equipment, more and more workers are exposed to diesel exhaust. More than one million workers are exposed to diesel exhaust and face the risk of adverse health effects, ranging from headaches and nausea to cancer and respiratory disease.

Diesel combustion exhaust is a major source of atmospheric soot, fine particles, and nanoparticles. Increased levels of fine particles in the air are linked to health hazards such as heart disease, altered lung function and lung cancer. Increased levels of fine particles in the air are linked to health hazards such as heart disease, altered lung function and lung cancer.

From Wikipedia *Gas Exhaust – Particulate Matter – Health Effects*:

The 10 micrometer size does not represent a strict boundary between respirable and non-respirable particles, but has been agreed upon for monitoring of airborne particulate matter by most regulatory agencies. Similarly, particles smaller than 2.5 micrometers, PM2.5, tend to penetrate into the gas exchange regions of the lung, and very small particles (< 100 nanometers) may pass through the lungs to affect other organs. In particular, a study published in the *Journal of the American Medical Association* indicates that PM2.5 leads to high plaque deposits in arteries, causing vascular inflammation and atherosclerosis — a hardening of the arteries that reduces elasticity, which can lead to heart attacks and other cardiovascular problems [6]. Researchers suggest that even short-term exposure at elevated concentrations could significantly contribute to heart disease.

I396-5
cont.

The smallest particles, less than 100 nanometers (nanoparticles), may be even more damaging to the cardiovascular system. [8] There is evidence that particles smaller than 100 nanometers can pass through cell membranes and migrate into other organs, including the brain. It has been suggested that particulate matter can cause similar brain damage as that found in Alzheimer patients. Particles emitted from modern diesel engines (commonly referred to as Diesel Particulate Matter, or DPM) are typically in the size range of 100 nanometers (0.1 micrometer). In addition, these soot particles also carry carcinogenic components like benzopyrenes adsorbed on their surface. It is becoming increasingly clear that the legislative limits for engines, which are in terms of emitted mass, are not a proper measure of the health hazard.

Along the length of the Gardner Alignment are residential homes, many of which have families with small children and seniors. Due to their tendency to spend more time outdoors, children and seniors would sustain a higher body burden of hazardous particulate and gaseous pollutants from a long construction phase than would the average adult population.

During construction of any HSR Alignment in the Caltrain ROW, existing rail operations in the Caltrain ROW (UPRR freight, Caltrain Commuter, and Amtrak) would be periodically halted. The trains would idle along residences in the Greater Gardner Neighborhood. This would result in local, increased concentrations of diesel exhaust and air-borne particulate pollution on residential homes. What mitigation would be done to contain air-borne particulate matter during a construction phase?

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Comment Letter I396 - Continued

If selected, the Gardner Alignment would lead to removal of more than 300 trees. These trees lie in the ROW targeted for the two new HSR tracks. The Greater Gardner Neighborhood is bounded by two sources of air pollution (I-280 and SR-87) and bisected by a third air pollution source (diesel train traffic along the existing Caltrain ROW.) The trees in the ROW serve as neighborhood *lungs* in their conversion of carbon dioxide from gaseous exhaust to oxygen. A side benefit of those trees is cooling shade. What mitigation would be done locally to replace air purification lost by removing trees in the Caltrain ROW?

If selected, the Gardner Alignment's HSR daily operations would create an aerosol of debris. The debris cloud would persist longer and spread farther due to the elevation of the HSR tracks coupled with the increased speed and frequency of the HSR trains. If the Gardner Alignment is selected, what mitigation would be done to contain air-borne particulate matter during daily HSR operations?

The local impact of the Gardner Alignment construction and operations from air-borne particulates and gaseous pollution was not discussed in the HSR DEIRs. The impacts of the Gardner Alignment's construction and operation contributions to impaired air quality and health are significant.

3.4 Noise and Vibration

Noise

If selected, the Gardner Alignment would increase the noise burden in the Greater Gardner Neighborhood. Some impacts are among the following:

- a) construction noise from heavy construction equipment and trucks, pile drivers, and workers' vehicles;
- b) idling trains along the Caltrain ROW;
- c) general operation of HSR trains;

Construction and general operations of the Gardner Alignment would disproportionately burden the Greater Gardner Neighborhood with noise. Area noise levels would increase due to long durations of pile driving and construction operations, construction vehicle traffic, and workers' vehicles.

Construction of any HSR along the Caltrain ROW would periodically halt operation of UPRR, Caltrain Commuter, and Amtrak trains in Greater Gardner. The idling trains would be a daily intrusive noise source.

Currently, the Greater Gardner bears a disproportionate, unhealthy burden of noise from I-280, SR-87, Caltrain Commuter Rail, Union Pacific Freight Rail, Amtrak and the San Jose Mineta Airport operations. Despite assurances from various government authorities and airlines that aircraft and rail operations are quiet and within FRA and FAA noise regulations, the reality is much different.

The operation of HSR through the Gardner Alignment would traverse at least two substantial curves. The higher frequency and speed of the HSR trains coupled with the grinding of steel wheels on steel rails, especially at the two curves, suggest the HSR will produce noise well above the ambient noise level currently experienced in Greater Gardner along the ROW. Learning, working, living and sleeping in the Greater Gardner Neighborhood are negatively impacted by the existing noise levels. We have not received the noise data requested from the existing European and Asian HSR systems. We have not received HSR hours of operation commitments either. The HSR DEIRs do not adequately discuss the contribution to our

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local noise burden from HSR and its impact on human health. The impact of the Gardner Alignment's to increasing the ambient noise burden is significant.

Vibration

If selected, the Gardner Alignment would increase ground vibrations resulting in the following impacts:

- a) structural damage to foundations, roadbeds, sidewalks, curbs, underground services;
- b) structural damage to the Caltrain ROW;

The vibrational percussive forces of pile driving and train operations are amplified in the Greater Gardner Neighborhood's unstable soils. The resulting sinking, slippage and cracking of foundations provide paths for termites and slip planes that amplify damage during earthquakes. The structural integrity of roadbeds, sidewalks, curbs and underground services (sewers, gas, water, ...) would be at risk due to shifting substructures and soils. Damage to structures and infrastructure would cost millions to local government and residents.

The existing Caltrain ROW tracks would be subject to vibrational forces from construction of a Gardner Alignment and during its operations. How would the existing track integrity be monitored and assured?

The HSR DEIRs do not discuss the HSR construction and operational vibrational impacts on homes, businesses, infrastructure and other train services in the Greater Gardner Neighborhood. The impact of the Gardner Alignment's to damage from vibrations is significant.

Section 3.6 Electromagnetic Fields; Electromagnetic Interference

EMF

If selected, the Gardner Alignment would require a new overhead set of power line with periodic power stations along the corridor. The HSR will operate by electric power.

From the 2008 draft HSR EIR, Section 3.6 :

Because the rate of decrease and the distance at which impacts become insignificant depend on technical specifications, such as the source's geometric shape, size, height above the ground, and operating frequency, it is not possible to define a characteristic distance for the extent of field effects that applies in general for all sources. Because of their rapid decrease in strength with distance, EMFs in excess of background levels are likely to be experienced only comparatively near sources. Because of their rapid decrease in strength with distance, EMFs in excess of background levels are likely to be experienced only comparatively near sources. Consequently, **only persons on or close to the proposed HST system would be likely to experience such increases**, and although HST operations could introduce some very low but measurable changes in 60-Hz MFs up to 1,000 ft or more from the right-of-way, these low-level changes are not known to be harmful or hazardous.

The Gardner Alignment would thread its way through a well-established, compact, urban residential neighborhood. It would skirt backyards in which young children play. Review of the 2008 HSR DEIR

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Comment Letter I396 - Continued

indicates that the authoritative sources cited by the HSRA do not know definitively if EMF exposure at any level causes risk to health. In the not too recent past, authoritative sources took a similar position on the risk to health from tobacco. The lack of government guidelines or undisputed scientific studies to link exposure to EMF with health risks, especially among young children, does not mean there is no link. There is a body of data that suggests such linkages do exist (ex, Am. J. Ind. Med. 37:607-617, 2000. © 2000 Wiley-Liss, Inc.; Occupational and Environmental Medicine, May 24, 2007 online.) Removal of the Gardner Alignment as an alternative alignment would mitigate this impact. Selection of the Tunnel or I-280/SR-87 Alignments would eliminate the potential health risk for the Greater Gardner Neighborhood.

I396-8
cont.

EMI

There is baseline EMI in the Greater Gardner Neighborhood. We experience periodic interference of radio, phone, television reception and car/home security alarm operation. The disruptions in service are usually coincident with a train passing by or an overhead plane in the flight path to San Jose Mineta airport. That there would be no noticeable impact from EMI is not credible. What is your measurement plan to monitor EMI/ EMF? What shielding will be used?

I396-9

Removal of the Gardner Alignment as an alternative alignment would mitigate these impacts. Selection of the Tunnel or I-280/SR-87 Alignments would eliminate the potential health risk and increased EMI in the Greater Gardner Neighborhood.

Section 3.7 Land Use and Planning, Communities and Neighborhoods, Property, and Environmental Justice

Land Use and Planning

If selected, the Gardner Alignment would be threaded through an older, established urban neighborhood of single-family bungalows along a curvy, narrow ROW. To accommodate two new HSR tracks, the area will lose the Word of Faith Church, Fuller Park, portions of many backyards, several homes, and over 300 trees, due to *land takes* from expansion of the existing ROW.

I396-10

In addition to the outright *land takes*, use of the Gregory Plaza and New Brighton Tot Lots would be impacted due to noise, air pollution and safety concerns for the young children who are the primary users of these outdoor play areas.

I396-11

The Gardner Alignment would isolate the Gregory Plaza Neighborhood by walling-off W. Virginia Street. The only access to Gregory Plaza would be via Fuller Avenue. Gregory Plaza residents would lose several degrees of *traffic* freedom by the resultant *right turn only* onto Bird Avenue (a concrete median divided roadway) as they exit the neighborhood. Emergency, delivery, garbage/recycling, and other large vehicles would no longer be able to drive safely through Gregory Plaza. They would need to *back-up* to exit the area. This would lengthen emergency response times and create new safety and health issues for residents, police, firefighters and EMT personnel.

I396-12

The Gardner Alignment would replace the *safe* route to the Gardner Academy for the Gregory Plaza children with a longer, more *dangerous* route to school (under the UPRR bridge along the Bird Avenue raceway.) During a potential construction phase, no route to school from Gregory Plaza or neighborhoods south of the ROW would be safe.

I396-13

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Communities and Neighborhoods

Biebrach Park is heavily used by Greater Gardner residents for sports, picnics, meditation, and bird watching. If selected, the Gardner Alignment construction and operations would impact the tranquil use of this urban park. Increased demand would be placed on Biebrach Park from the loss of Fuller Park. Increased noise and air pollution would impact the usability of this public resource. There is no suitable local replacement capacity for Fuller Park and Biebrach Park.

I396-14

Addition of two new HSR tracks with its substructure would intensify the barrier among the west, north, and south segments of the Greater Gardner Neighborhood. If selected, the Gardner Alignment would have a protracted construction phase during which the natural communication and relationship interplay in our community would be harmed. Pedestrian and car traffic would be restricted or blocked for weeks. Access to VTA, markets, Gardner Academy, Biebrach Park, families and friends would be reduced.

I396-15

Property

The Gardner Alignment would be a *tipping point* for our neighborhood. In 1955 The City of San Jose identified the Greater Gardner Neighborhood as *blighted*. The impact of *blighted* status (crime, gangs, absentee landlords, lack of city services, homeless encampments, and neglect of homes and yards) took its toll until the 1990s when the City of San Jose's Strong Neighborhood Initiative provided us with a framework for renewal and the resources to make it happen. The Greater Gardner Neighborhood has made steady progress in restoration of homes, creation of Fuller Park/Tot Lots, installation of vintage street lights, creation of the Gardner Community Center, and funds for community events. If selected, the Gardner Alignment would set in motion events that made us a *blighted* neighborhood in the 1950s – damaged foundations, crooked houses, neglected landscapes, cracked sidewalks and streets, gang activity, crime and influx of the homeless and their encampments and decline of property values.

I396-16

Environmental Justice

The Greater Gardner Neighborhood has lost 75% of its 1894 size due to public/private transportation systems that carved up our community and imposed a disproportionate burden of noise, air-pollution, displacement, and resultant blight on our neighborhood. Environmental justice is an unfamiliar concept for the Greater Gardner Neighborhood evidenced by several neighborhood boundaries (north: I-280, east: SR-87, overhead: SJ Mineta air-traffic and bisected by UPRR/Caltrains ROW). Our residents are low to moderate income families, many of whom are first or second generation Latinos. Our baseline noise burden and air-pollution is far more than most Bay Area neighborhoods are subjected to or would tolerate. If selected, the Gardner Alignment would increase noise and air-pollution, damage homes and community infrastructure, and set in motion the downward spiral toward *blight*. If selected, the Gardner Alignment would abrogate environmental protection guarantees to sensitive population segments

I396-17

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Comment Letter I396 - Continued

Section 3.9 Aesthetics and Visual Resources

If selected, the Gardner Alignment would have a substantial adverse effect on the scenic vista along Fuller Park. The HSR would require two additional HSR tracks atop an elevated 18 foot concrete wall along the corridor. The new structure would be wider than the existing Caltrain ROW, so Fuller Park, the trees and landscaping along the ROW, and the Fuller Park vintage, soft lights would all be removed. The vintage design of the existing three railroad bridges would be obscured. While the concrete wall's view from Fuller Avenue on the south and Jerome Street on the north would be most noticeable, everyone would see an intrusive high wall where currently there is none. Fuller Park has tall, mature trees that buffer the current Caltrain ROW. Since the trees would be removed, no natural barrier would exist to obscure the view of the HSR elevated structure. Currently in Fuller Park there are few surfaces targeted by graffiti. The dual, concrete HSR walls would extend for more than 3,000 feet. It would create two 3,000 foot long x 18 foot high surfaces – graffiti magnets! There is no lighting along the Caltrain tracks currently. If selected, the Gardner Alignment would likely require lighting along this elevated track section due to the tracks being a preferred route and destination for area homeless. This high lumen lighting would illuminate the homes, yards and streets below. This increase in evening light is a visual nuisance to homeowners, especially those who are amateur astronomers.

Many of the homes in the Greater Gardner Neighborhood date from the early 1900's. The area is one of the last repositories of historic architectural design in San Jose. The historic character of the neighborhood is not compatible with the proposed Gardner Alignment.

Section 3.10 Public Utilities

If selected, the Gardner Alignment would cause disruption of gas, electric, phone, water, and sewer public utilities during its protracted construction phase. Underground services would suffer damage from pile driving, vibrations and heavy equipment traffic during the construction phase. Many residents work from home and rely on an uninterrupted telephone and electric service. During hot summers, residents need uninterrupted electricity to power air-conditioners. The HSR DEIRs are silent on these issues. The impact of the Gardner Alignment on public utilities is potentially significant.

Section 3.13 Geology and Soils

If selected, the Gardner Alignment would be constructed over the Guadalupe River flood plain. The soils are unstable and expand/contract as a function of water content. Buildings in the area show characteristic settling and cracking. Streets are not level due to settlement of their substructures. An example is the road drop-offs at the intersection of Hull /Delmas Avenues (high point to curb: west drop: 28" and east drop: 23"). Due to the poor soil structure vibrational percussion from pile-driving and train operations would generate shock waves that follow the network of subterranean fractures throughout Greater Gardner Neighborhood. Vibrational harm from the HSR would not be an incremental additive effect, but rather an exponential effect. The HSR DEIRs are silent on these issues. The impact of the Gardner Alignment on public utilities is significant.

Section 3.15 Biological Resources and Wetlands

If selected, the Gardner Alignment would require the removal of more than 300 trees and adjacent green space. The trees provide a cooling shade buffer to the north and south along the Caltrain ROW. In addition to replacing atmospheric carbon dioxide with oxygen (and water), these trees provide a habitat for native insects, birds (including hawks and falcons) and small mammals. Further, several native Californian plants have been established in Fuller Park. The HSR DEIRs are silent on the biological resources throughout the Greater Gardner Neighborhood. The impact of the Gardner Alignment on biological resources is potentially significant.

Section 3.16 Section 4(f) and 6(f) Resources (Public Parks and Recreation)

If selected, the Gardner Alignment would eliminate the San Jose City Fuller Park. Fuller Park provides a bocce court, horseshoe area, picnic and barbeque areas, and an urban, green respite for bird watching, walks and meditation. The Gregory Plaza and New Brighton Tot Lots are adjacent to the Caltrain ROW. Outdoor playtime of young children would be impacted by the increased noise and air pollution if the Gardner Alignment were selected. Since Biebrach Park is already over utilized and under funded, there would not be sufficient park and recreation capacity to accommodate the increased Parks and Recreation need in the Greater Gardner Neighborhood. This would create a potential significant impact if the Gardner Alignment were selected.

Summary

The impacts on the Greater Gardner Neighborhood from the Gardner Alignment were not adequately addressed in the HSR DEIRs. Technical discussions used statewide average data and likely outcomes from models in assessment of impacts. Local, neighborhood impacts get muted, flattened and normalized away in the process. Due to the significant impacts raised in this commentary, I request that the Gardner Alignment be removed from consideration as part of the HSR program.

I appreciate your attention to this important matter. Thank you.

Sincerely,

Patricia Gormley

April 19, 2010

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Response to Letter I396 (Patricia Gormley, April 23, 2010)

I396-1

Comment acknowledged.

I396-2

The comment expresses concerns about vehicular and pedestrian traffic impacts and access at specific locations. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

I396-3

See Response to Comment 1052-5 regarding construction.

I396-4

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Construction impacts was not one of those topics. See Chapter 3.18 in the 2008 Final Program EIR and the impact analyses in other sections of Chapter 3. See Response to Comment L003-108.

I396-5

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3 of the 2008 Final Program EIR. More detailed analysis of potential operational, maintenance, and construction air quality impacts,

including dust, on the Greater Gardner area will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement as well as construction activities, equipment, staging, and duration.

I396-6

See Standard Responses 3 and 5.

More detailed information and analysis of noise vibration impacts and mitigation will be included in project-level EIR/EISs. This analysis will address both short-term construction impacts and long-term operational impacts. This analysis will also consider cumulative impacts from existing and proposed noise sources.

I396-7

The Authority appreciates the comment. Noise and Vibration impacts and mitigation strategies are reviewed in Chapter 3.4, Noise and Vibration, of the 2008 Final Program EIR.

Site specific vibration impacts during construction and operation of the HST to sensitive receptors will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes. See Standard Response 5.

I396-8

See Response to Comment I373-6 regarding EMF.

I396-9

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Electromagnetic fields (EMF) was not one of those topics. Please see Chapter 3.6 of the May 2008 Final Program EIR. The analysis identified that the HST project (and its electrical supply and facilities) would have minimal electromagnetic interference (EMI)/EMF exposures at levels for

which there are no documented health risks are anticipated and that EMI/EMF concerns are less than significant at the programmatic level under CEQA and not significant under NEPA. Furthermore, the Authority in the CEQA findings and the FRA in the ROD for the 2005 Statewide Program EIR/EIS adopted design practices and mitigation strategies to address potential EMI/EMF issues for the HST system to be applied and refined at the project-level in the future. It is anticipated that the use of the design practices and mitigation strategies will reduce exposure to EMFs and reduce the potential for EMI with biomedical devices to the lowest practical level.

Standard design practices for overhead catenary power supply system substations, transmission lines, and vehicles of the approved HST system include the use of appropriate materials, spacing, and, if necessary, shielding to avoid potential EMF/EMI impacts and to reduce the EMFs and EMI to a practical minimum. More detailed information and analysis on potential EMI/EMF impacts will be included in project-level environmental documents.

I396-10

If a network alternative is selected that approaches San Jose from the south, an 87-280 alternative alignment will be included in an alternatives analysis process as part of a project-level EIR/EIS.

I396-11

Specific land acquisitions have not been determined based on the program-level of design. The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Public parks and recreation was not one of those topics. Parks and recreational issues are discussed Chapter 3.16 Section 4(f) and 6(f) Resources (Public Parks and Recreation) of the 2008 Final Program EIR. More detailed analyses related to impacts on recreational resources during construction and operation, including the parks listed in the comment, will be performed during the project-level EIR/EIS analysis when more detailed design and location information will be available. See Chapter 3.4, Noise and Vibration, and Chapter 3.3, Air Quality and Global Climate Change

regarding impacts and mitigation strategies. See also Standard Response 3.

The safe operation of the HST system would be of the utmost importance as noted in Chapter 2 of the 2008 Final Program EIR. The HST system would be a fully grade-separated and fully access-controlled guideway with intrusion monitoring systems. This means that the HST infrastructure (e.g., mainline tracks and maintenance and storage facilities) would be designed to prevent access by unauthorized vehicles, persons, animals, and objects. Additional analysis of safety would occur at the project level.

I396-12

The SR 87/I-280 alignment alternative is currently undergoing analysis in the Project EIR as the sole alternative in the San Jose area advanced from the Alternatives Analysis process. The Program Alignment has been withdrawn from further consideration.

I396-13

The SR 87/I-280 alignment alternative is currently undergoing analysis in the Project EIR as the sole alternative in the San Jose area advanced from the Alternatives Analysis process. The Program Alignment has been withdrawn from further consideration.

I396-14

See Response to Comment I396-11.

I396-15

See Response to Comment I396-12.

I396-16

Chapter 3.7 of the 2008 Program EIR reviews Land Use and Planning, Communities and Neighborhoods, Property, and Environmental Justice impacts and mitigation strategies. Chapter 3.4 of that document reviews noise and vibration impacts and mitigation strategies.

Site specific land use, planning, communities and neighborhood, poverty, environmental justice, noise/vibration, and other environmental impacts and mitigation measures during construction and operation of the HST will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I396-17

The SR 87/I-280 alignment alternative is currently undergoing analysis in the Project EIR as the sole alternative in the San Jose area advanced from the Alternatives Analysis process. The Program Alignment has been withdrawn from further consideration.

I396-18

The Program EIR depicts HST running on a retained fill through the Gardner neighborhood. This is shown in Appendix 2D, Sheet PP 1 of 8. The height of the fill for the HST would bring it to the level of the existing Caltrain/Union Pacific tracks. The height of a soundwall above the tracks would vary, depending on the as yet to be conducted analysis of the necessary noise mitigation. With the relatively low speeds envisioned in the area, due to the tight curves north and south of the neighborhood, it is likely the walls could be low.

The mature trees along the existing railway could be replaced with appropriate trees once the new HST infrastructure was in place. Landscaping could be included to cover surfaces that could become a target for graffiti. Procedures for maintaining the HST's infrastructure can be detailed as part of the project-level EIR/EIS. Potential deterrents to graffiti could include introducing vines to the concrete surfaces of columns and walls, dense landscaping to obscure columns and walls, and maintenance agreements to ensure the timely removal of any potential graffiti.

Design of the expanded bridges over Delmas and Prevost Streets would likely include a recreation or relocation of the historic bridge details and decorative shields.

It is unlikely that high lumen lighting would be employed to light a 24-hour route for the homeless.

I396-19

While the Greater Gardner neighborhood pre-dates the railway, they have coexisted for about 75 years. While an expanded railway in the neighborhood would reinforce the historic dividing line of the railway, a railway has been a feature of the neighborhood for many years.

I396-20

See Response to Comment I165-9.

I396-21

Please see section 3.4, Noise and Vibration, and Chapter 3.13, Geology and Soils, of the 2008 Final Program EIR for a review of potential vibration and settlement impacts of the HST system. Potential impacts to private property from settlement and vibrations related to HST facility operations and construction will be studied in detail during the project level environmental process. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I396-22

See Response to Comment I005-2. Concerns regarding potential for the HST to result in biological impacts along the Caltrain corridor in the Greater Gardner neighborhood in San Jose are acknowledged. More detailed analysis of potential biological impacts will be provided during project-level environmental review, when more detailed information will be available concerning system design and placement, and alignment variations will also be further considered.

I396-23

See Response to Comment O022-13.

I396-24

This comment is conclusionary in nature. See specific responses above.

I396-25

Please see Response to Comment L020-1.

Comment Letter I397 (Michael Kim, April 23, 2010)

I397

Kris Livingston

From: Michael Kim [mykim@prodigy.net]
Sent: Friday, April 23, 2010 12:03 PM
To: HSR Comments
Subject: HSR Alternatives

Dan,

Alternative routes to areas less densely populated need to be seriously considered. The devastating multi-faceted impact of running the high speed rail through such a densely populous geographical area such as the SF Peninsula is simply not reasonable. How this route was even considered leaves me incredulous. | I397.1

Thank you for listening.

Best,
Michael Kim

Response to Letter I397 (Michael Kim, April 23, 2010)

I397-1

Comments acknowledged.

Comment Letter I398 (Margaret Fruth, April 23, 2010)

I398

Kris Livingston

From: M. Fruth [mafruth@yahoo.com]
Sent: Friday, April 23, 2010 2:18 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

comments@hsr.ca.gov

Please acknowledge receipt of these comments immediately. Thank you in advance.

I still have not received any hardcopy of any EIR/EIS document pertaining to HSR, including this one. Circulating two environmental documents simultaneously with overlapping public comment periods is indefensible, impermissible, and renders both documents invalid. This also violates the rules about use of language in government communications and the doctrine of reasonable prudence, both require that EIR/EIS documents be written in plain language, easily understandable by and accessible to the average, reasonably prudent citizen. These rules apply to every environmental review and to every government business plan.

Continuing on the issue of accessibility, because every citizen has the legal right to comment on the entire EIR/EIS at this time, the statement (excerpted below), by itself, renders the entire EIR/EIS indefensible, impermissible, and renders both documents invalid.

CHSRA claims that:

"Pursuant to CEQA Guidelines section 15088.5, subdivision (f)(2), the Authority requests that reviewers limit the scope of their comments to the revised materials contained in this document. The Authority is obligated to respond only to those comments received during the circulation period that relate to content of this Revised Draft Program EIR/EIS Material." [italics mine]

The statement above contradicts the law which provides that anyone may now comment on the original EIR/EIS as well as the revised one. This allegation alone renders the entire EIR/EIS indefensible, impermissible, and renders both documents invalid.

The remedy is to reopen and extend the comment periods, have them run consecutively rather than concurrently, and apply all comments submitted to all EIR/EISs and to all versions of the alleged business plan.

Using 2000 data is ten to eleven years out of date right now. Even the statistics from 2005 are five years out of date right now.

The map labeled Figure # 1.1-1 and all related texts are faulty because they do not identify impact of diverse ownership of rail lines, both public and private. Caltrain, and the Union Pacific, and other private transportation entities' fiduciary duties requires them to seek appropriate compensation for the use of their property, and the Union Pacific and other private transportation entities would have to be subjected to eminent domain procedures. They owe fiduciary duties to their stockholders and existing customers, not to the CHSRA. Caltrain owes fiduciary duties to the citizens of the Bay Area, not to CHSRA. The fact that counties are subsidiaries of the state does not eliminate this duty. There is no evidence that CHSRA's financial planning has budgeted sufficient funds to cover the direct and indirect costs of eminent domain and legally mandated mitigations. These costs include direct and indirect costs of eminent domain, including impacts on residents and properties some distance away from the train routes. For example, if CHSRA condemns any parcel and removes any building on it, the building on the far side has increased impacts and decreased poppet values

1

greater than it would have had if the original building and land were not condemned. Impacts which will increase include, but not be limited to, noise, vibration, and privacy.

I398-7
cont.

If the allegation that there are insufficient funds for mitigations is true, there is no basis for proceeding any further in the planning process, let alone beginning acquisition and construction. The Statement of Overriding Considerations does not appear to be legal, particularly since the terms of the Bond require that no state or local government indemnify CHSRA for cost overruns in both construction costs and operating costs. Therefore the entire business plan and all financial planning to date is indefensible, impermissible, and renders all planning documents invalid.

I398-8

The projected continued population trends do not include outmigration due to the current economic depression. California contains some of the most severely depressed areas in the nation, including Los Angeles, Stockton, and Sacramento. California has experienced significant economically-based outmigration to other states and to other countries. The EIR/EIS's claim of a "population boom" is not supported and must be corrected, and the cost-benefits analysis and ridership-income ratios recalculated. Therefore the claims of needing 550,000 additional homes are not supported.

I398-9

If this system is built and becomes the preferred alternative for travel on its routes, security screening will inevitably follow, and must be accounted for in actual elapsed travel time. Since traffic flows like water and follows the line of least resistance, this will increase congestion and reduce ridership.

I398-10

The *** p.1-8 claims that road "improvements would not measurably change future conditions" of auto travel. This is illogical and unsupported. Shifts from suburbanization to development clustered around transport points, notably heavy and light rail commuter lines, will change travel conditions. I am reminded of the conclusion made in the 1880s, that London, then the largest city in Europe and perhaps the world, could not grow beyond the distance horse manure could be hauled by wagon in a single day. Obviously advances in transit made that observation obsolete, but not by reversing technical advancements as rail does, but by facilitating new means to travel, not returning to old ones such as trains.

I398-11

***CHSRA planning has seesawed between having one or two stations between major cities, which has the possibility of improving travel time, to having multiple stops; e.g., Millbrae-SFO, Redwood City, Palo Alto, San Jose, Gilroy, in the Bay Area; and even more stops in the greater Bay Area, which has no possibility of competing with existing modalities: air travel and surface travel, the latter almost nonstop between San Francisco and Los Angeles. There is no public transit system, there are only poorly connected mini-systems. Please consider the round trip High Speed Bus Alternative.

I398-12

This intercity system will not relieve commuter congestion. If it stops approximately every thirty miles it cannot meet the high speed standards necessary to acquire and maintain market share. The claims to large increases in regional transit speed are not supported. Please look at realistically estimated transit time, actual time, not wishful time. CHSRA has been dangling the promises of multiple local stops with no way of fulfilling all of the promises--classic bait-and-switch.

I398-13

The impact of anticipated and projected increases in telecommuting is not evaluated.

I398-14

Projected increases in intercity travel are not supported. Surface travel speed, safety, and comfort is directly dependent on the quality of the roadbed and/or rails. There is no reference to projected improvements in air traffic control nor to the next generation of jets, which will be in service before HSR. Both factors will improve air travel's time advantage and its ability to compete with all forms of surface transit. Transit ridership always flows like water, considering actual time elapsed, actual fares and ***] The market ratio between air travel and rail is unsupported. There is absolutely no basis for assuming that using current air passenger miles as a floor for estimating rail traffic is. The assumption that all air traffic will inevitably transfer to rail is illogical and

I398-15

I398-16

2

Comment Letter I398 - Continued

unsupported. There is no analysis to preclude the possibility that air travel will become so competitive that it will decrease HSR's possible market share, or even decrease surface traffic's market share as well, sufficiently to change the market share ratios completely. Please consider the High Speed Bus Alternative, in both directions. All of these options needs to be studied with more detailed multifactor analysis.

I398-16
cont.

This project will not provide modal connections between intercity travel facilities. Increased commuter transit could provide modal connections, but rail routing is not elastic enough to allow long term planning and execution. Both bus routes and air routes can be adjusted at will. Train routes are written in inelastic rails of iron.

I398-17

Evaluation of impacts on air quality should include the impacts of increases in electrical generation capacity needed to fuel the trains.

I398-18

Study of economic impacts must include start-up costs, eminent domain costs, Also, please include noise, vibration, privacy, grade separations, and compensation for property loss as mandated by the U.S. Supreme Court., construction costs, mitigation costs, litigation costs, and operating costs, and it should include opportunity costs--impact on competing uses for the funds used for construction, with a special emphasis on financial impacts on public education, grades pre-K through 16, as well as California's ability to fund existing and projected costs of complying with the various existing and projected court-mandated prison funding. All constitutional rights take primacy over an transportation project and must be preserved, even those of convicted felons. Most of these requirements have been mandated by the U.S. Supreme Court.

I398-19

Opportunity costs must be calculated. It doesn't matter how wonderful the project is, if there isn't enough ongoing funding to operate both transit and quality public schools, there is no basis for beginning construction, or even indulging in further studies. This analysis should take into consideration recent major cutbacks in operating funds for many existing public transit systems. There is a domino effect with declining revenues leading to service cutbacks leading to more declining revenues, ad nauseum. Before any more funds are spent on anything, reliable quantifiable longterm sources of operating funds must be identified. This is no place for the speculation which has no basis in reality.

I398-20

The Business Plan admits that the train standards developed in Europe and Asia are their model. What they do not explain is that this will result in stimulus funds being spent overseas, with substantial economic benefits being transferred to countries which already have a negative trade balance with us. This imbalance is large enough to destabilize both the American economy as well as the world economy. There are too many citizens and too many international neighbors depending on us for CHSRA to get it wrong. But so far, this is which is why the Court reversed their earlier decisions.

I398-21

It has been alleged that profits will be created to expand the system to Sacramento and San Diego. Taking into consideration start-up costs, eminent domain costs, construction costs, mitigation costs, litigation costs, operating costs, and opportunity costs, both direct and indirect, all of which must be calculated and justified, the source of any alleged profits should be identified and analyzed. The failure to locate any of the projected private investors at all, let alone those who are willing to invest without taxpayer guarantees, coupled with the statutory requirement to indemnify California taxpayers from underwriting funding shortages, must be in both the final EIR and the final Business Plan. ***It does not matter if the Sacramento to San Francisco and to San Diego are the second and the largest geographic markets, when there are no documented profits to provide capital costs. There is no public transit system wholly supported by fares alone, without subsidy. When all start-up costs and operating costs are included, there are no "profitable" public transit systems in the world, absolutely none without subsidy.

I398-22

It is past time to write a real business plan that meets the minimum legal requirements. The proposed Business Plan, EIR and Addendum do not meet any minimum standard of business planning and accounting.

I398-23

For over a century, federal law has required passenger heavy rail lines to accept freight trains as well. Please make clear in all your written documents that when you build heavy rail, freight cannot be barred from the same route. All of your planning must reflect this legally mandated requirement.

I398-24

Projections about changes in job locations and corresponding changes in commute patterns are speculative and unsupported. What is allegedly "likely" and what "might" happen as a result, are not facts, they are opinions.

For example:

I398-25

"When transportation access to urban and suburban centers becomes too difficult, employers are likely to move jobs to areas where land prices are lower and workers' commutes might be shorter. Without better passenger rail access, major job growth will continue to decentralize and move to the Central Valley, and beyond."

Any time cities as diverse as Atherton and Anaheim are impacted, the cumulative impacts are magnified and must be studied.

I398-26

The entire document attempts to justify the previously made route decision, without fully reviewing all other alternatives. Both the EIR/EIS and the business plan also show a preferred alternative before the final analysis has been performed. Nothing in the EIR/EIS supports this reverse order. The oversight requirements embedded in Proposition 1A appear to have been violated. The CHSRA Board has substituted uncritical advocacy, at taxpayer expense, for legally required oversight. Keeping the same alternative, the Pacheco Pass Alternative, is reinventing the wheel and subject to a higher standard of proof, particularly while under the court's jurisdiction and review after reversal. The nonpreferred alternatives still have not been studied enough to eliminate them from consideration. CHSRA admits that they "appropriately...eliminated from from detailed study for the reasons briefly explained." Their allegation that this elimination was "appropriate" is an opinion, not a proven fact. The analyses and justifications are indefensible, impermissible, and render both documents invalid.

I398-27

All contracts must be competitively bid, and not include any contractors under investigation and/or indictments on other projects and or other jurisdictions.

I398-28

Please make your conclusions fit the data, rather than reach a conclusion and then seek to find or invent data to fit it.

I398-29

The CHSRA Board also needs to explain why they borrowed funds against the bonds shortly before Proposition 1A was passed. What and how did they know about the vote before it was counted? The appearance of impropriety is already established.

I398-30

Thank you for your thorough consideration.

I hold a degree in Geography from Clark University, the oldest University Geography Department in the United States, and have almost a quarter century of experience monitoring environmental reviews, as well as professional troubleshooting experience.

Margaret Fruth

Response to Letter I398 (Margaret Fruth, April 23, 2010)

I398-1

The comments were received.

I398-2

The 2010 Revised Draft Program EIR Material and the 2008 Final Program EIR have been available on the Authority's website or by requesting to receive an electronic copy (if needed, hard copies can be made from the electronic copies or by printing from the website). Hard copies of both documents have been available for review at 16 libraries.

I398-3

As indicated in Chapter 1 of the 2010 Revised Draft Program EIR Material, the Authority followed provisions in the CEQA Guidelines which acknowledge the option of recirculating only those portions of an EIR that require revisions, and that a lead agency can request commenters limit their comments to the revised material.

I398-4

Comment acknowledged. The Authority does not believe that such a "remedy" is needed or desirable.

I398-5

The comment states that 2000 and 2005 data used is out of date, but does not specify which data is being questioned. No 2000 or 2005 references were included in the citations to the 2010 Revised Draft Program EIR Material.

I398-6

The comment refers to a Figure 1.1-1, which is not a figure in the 2010 Revised Draft Program EIR Material. Therefore, no response can be provided.

I398-7

The May 2008 Final Program EIR included in its capital cost estimates the costs for both property acquisition and environmental mitigation. The Authority's Business Plans in both 2008 and 2009 have also discussed these items as components of its financial planning. While costs estimates will continue to change, costs for property acquisition and environmental mitigation will continue to be planned for an accorded appropriate cost figures in the Authority's planning. Also see Standard Response .

I398-8

The Authority is in the process of complying with the California Environmental Quality Act, which mandates that a lead agency adopt feasible mitigation to avoid or substantially lessen the project's adverse environmental impacts. The Authority's prior Statement of Overriding Considerations, while rescinded pursuant to Resolution No. 08-01, did not override impacts based on economic factors, but rather based on the uncertainty of the effectiveness of certain mitigation at the program level.

I398-9

This is not an area identified by the Superior Court for further work to comply with CEQA.

I398-10

We do not agree with the comment. Experience with high-speed train systems worldwide involves some level of security screening, but not the level of airport-style security screening that is currently in place in the United States and internationally. Accordingly, the ridership model did not incorporate a time delay associated with elaborate security check in procedures.

I398-11

This comment quotes a passage from Chapter 1 of the 2008 Final Program EIR, which did not change based on the new content in the

Revised Program EIR. The discussion of travel time in Chapter 1 correctly identified that even with planned improvements to 2030, future conditions would not change measurably. We disagree that the statement is unsupported. As noted in the text, the conclusion was based in part on information gathered from regional transportation planning agencies and Caltrains. As noted, congestion is expected to worsen over the next 25 years.

I398-12

Comments acknowledged. The Authority disagrees with your conclusion. The HST system would have a variety of services (express, skip-stop, local, regional, etc.) like done in other existing HST systems worldwide. See Chapter 2 of the 2008 Final Program EIR.

I398-13

We disagree with this comment. Analysis in the 2008 Final Program EIR, page 3.1, indicates that "overall intercity highway conditions would improve with the HST." Also see response to comment I398-12 and Standard Response 4.

I398-14

The ridership and revenue forecasts used in the 2010 Revised Draft Program EIR Material rely on official population and employment forecasts developed by the California Department of Finance and regional planning agencies throughout the state. The forecasts assume continuation of current trends regarding telecommuting, fuel costs and similar factors that influence people's desire and willingness to travel. Although ridership and revenue sensitivity tests were developed to understand the potential effects of changes in these factors, the "most likely" future scenario, based on continuation of current trends, was used for the Program EIR rather than speculative changes in some variables. Also, see Standard Response 4.

I398-15

The projected conditions in 2030 under the No Project Alternative is not an area identified by the Superior Court for further work to comply with CEQA. We disagree that the projected increase in intercity travel is unsupported. Please see chapter 3.2 of the 2008 Final Program EIR, and references cited there for expected increases in auto and air travel under the No Project alternative.

I398-16

We do not agree with the comment that the market ratio between air travel and rail travel is unsupported. Market share forecasts were based on assumptions about future conditions that were peer reviewed as part of development of the ridership model. These assumptions are discussed in the reports "Level of Service Assumptions and Forecast Alternative - Final Report (August 2006)" and "Findings from the Second Peer Review Panel Meeting (July 2006)". These reports that were part of the ridership model development process are available on the Authority's website.

I398-17

The HST project will serve multi-modal stations, depending on network alternative selected, including the Transbay Terminal in San Francisco (MUNI, AC Transit, Golden Gate Transit, BART, samTrans, WestCat, Greyhound), Millbrae/SFO (BART, samTrans), Diridon San Jose (VTA, Amtrak, ACE, Monterey-Salinas Transit, Highway 17 Express, future BART), Los Angeles Union Station (Metro Bus, light rail and subway, Metrolink, Amtrak, LAX Flyaway bus and others). In general, throughout the state, HST stations are planned at existing multi-modal hubs.

While bus routes are flexible, there are very few commercial airports in the state with scheduled air travel, limiting the ability of air service to economically serve many of the destinations that HST will.

Railroads, including HST, use rails made of steel.

I398-18

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Air quality and global climate change was not one of those topics. Refer to Chapter 3.3 of the 2008 Final Program EIR where electrical generation air quality impacts are discussed.

I398-19

See Response to Comment I011-13.

I398-20

See Response to Comment I011-13.

I398-21

This comment addresses the Authority's Business Plan, not the Program EIR. See Standard Response 8.

I398-22

This comment addresses the Authority's Business Plan, not the Program EIR. See Standard Response 8 and Standard Response 4.

I398-23

This comment addresses the Authority's Business Plan, not the Program EIR. See Standard Response 8.

I398-24

We disagree with this comment. See Standard Response 9 regarding the necessity of a waiver from the Federal Railroad Administration to operate different types of equipment in the same corridor.

I398-25

The discussion of the potential for growth with and without the high-speed train system, including changes in employment and commuter patterns, is not one of the areas identified by the Superior Court for

further work to comply with CEQA. See Chapter 5 of the 2008 Final Program EIR describing the basis for the growth projections.

I398-26

Comment acknowledged. The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Cumulative impacts was not one of those topics. Cumulative impacts were considered in Section 3.17 of the May 2008 Final Program EIR and the 2005 Statewide Program EIR. A list of detailed projects and plans used in the analysis are listed and discussed in Appendix 3.17-A of the 2008 Final Program EIR. A definition of cumulative impacts per CEQA and NEPA is included in Section 3.17. Sufficient detail is provided for this program-level analysis, and further analysis will be included in the project-level environmental analyses, when more detailed engineering, design, and location information will be available for the HST system and when future projects can be considered in more detail.

I398-27

We disagree with the comment. The purpose of the 2010 Revised Draft Program EIR Material was to comply with the judgment in the Town of Atherton case. That judgment identified areas for which the Authority was required to provide further information and analysis to comply with CEQA. The 2010 Revised Draft Program EIR Material includes the required information and analysis, and then synthesizes its effect on the recommendation of a preferred alternative in Chapter 7. The Authority board will determine whether to certify the adequacy of the 2010 Revised Final Program EIR Material for its compliance with CEQA and only then will it make a new decision on a preferred alternative.

I398-28

Contracts associated with the high-speed train project will comply with all applicable state and federal laws and regulations for contracting, including competitive bidding requirements.

I398-29

The comment states that data has been invented to fit conclusions, but does not provide a specific instance where this has occurred. Therefore, no response can be provided to this broad assertion.

I398-30

This is not a subject area identified by the Superior Court in the Town of Atherton case as needing additional CEQA work. The Authority has proceeded in accordance with its statutory authorities and budget appropriations, and did not borrow funds against Proposition 1A before it passed, as the comment asserts.

Comment Letter I399 (Kimberly Griffin, April 25, 2010)

I399

Kris Livingston

From: Kimberly Griffin [kimberly_griffin@yahoo.com]
Sent: Sunday, April 25, 2010 9:42 AM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program-Level

Please answer the following:

- (1) Noise impact of high speed trains passing one-another for any of the above ground proposals? | I399-1
- (2) Noise impact of elevated trains? How loud will be the constant noise? How loud will be the passing train noise? How far will be the noise travel? | I399-2
- Daytime vs. nighttime? | I399-3
- (3) Related to noise: impact on schools for the same. | I399-4
- (4) Vibration studies: impact on homes, schools, etc. on underground and above ground proposals? | I399-5
- (5) Impact of vibration and noise on potential HSR sites on the peninsula. | I399-6

Thank you,
Kimberly Griffin

Response to Letter I399 (Kimberly Griffin, April 25, 2010)

I399-1

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs. This analysis will address the noise impacts of multiple trains at one location. See Standard Responses 3 and 5.

I399-2

See the Response to Comment I399-1. The project-level noise analysis will address the alternatives carried forward into the project-level design, including elevated options if proposed.

I399-3

See the Response to Comment I399-1. The project-level noise analysis will address daytime and nighttime noise levels. Also see Standard Response 5.

I399-4

See Standard Response 5. Site specific noise/vibration, construction, and train operational impacts on sensitive receptors such as schools, will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes.

I399-5

See the Response to Comment I399-1. More detailed information and analysis of vibration impacts and mitigation will be included in project-level EIR/EISs.

I399-6

See the Response to Comment I399-5.

Comment Letter I400 (Sandra Lawrence, April 25, 2010)

I400

Kris Livingston

From: HighSpeedRail@Burlingame.org
Sent: Sunday, April 25, 2010 11:45 AM
To: PW/ENG-Gomery, Jane; PW/ENG-Morimoto, Art; HSR Comments; prp@caltrain.com
Subject: FW: properties near proposed HSR

From: sandlaw10@aol.com[SMTP: SANDLAW10@AOL.COM]
Sent: Sunday, April 25, 2010 11:34:50 AM
To: HighSpeedRail@Burlingame.org
Cc: sandlaw10@aol.com; ggbawp@aol.com
Subject: properties near proposed HSR
 Auto forwarded by a Rule

We own two homes approximately 150 feet away from the current Caltrain tracks. What are the consequences for our property values as well as the quality of life for us if the HSR goes in at grade or above the current tracks? We did attend the meeting at City Hall on April 19, 2010. No-one addressed these issues for all the homeowners in our same situation. I400-1

I have also asked these same questions to www.cahighspeedrail.ca.gov/ and Citizen Connect at www.burlingame.org/.

Sincerely,

Sandra Lawrence

Response to Letter I400 (Sandra Lawrence, April 25, 2010)

I400-1

See Standard Response 6 regarding property values.

Comment Letter I401 (Douglas H. Hamilton, April 25, 2010)

Kris Livingston

I401

From: Joyce Hamilton [jjhtromba@sbcglobal.net]
Sent: Monday, April 26, 2010 2:11 PM
To: HSR Comments
Subject: Comments on Draft Program HSR-EIR
Attachments: leavitt.doc; img161.jpg; img163.jpg; img164.jpg; img165.jpg

Text and 2 scanned figures providing my comments regarding the document "Bar Area to Central Valley High Speed Train, Revised Draft Program Environmental Impact Report Material" is forwarded herewith.

Attached find:

1. Comments from Douglas H. Hamilton, Engineering geologist
2. Signature page
3. Scanned figure (map) Altamont -alternate and Pacheco HST alignments relative to earthquake source faults
4. Scanned figure (map) Suggested Altamont-alternate HST alignment and HST Authority-promoted Pacheco-Heart of the Peninsula HST alignment
5. First page of comments on letterhead.

Douglas H. Hamilton
geoconsult@dhhamilton.com
 tel. 650-321-3071
 fax. 650-328-8712

----- Forwarded Message -----

From: Joyce Hamilton <jjhtromba@sbcglobal.net>
To: Douglas Hamilton <geoconsult@dhhamilton.com>
Sent: Mon, April 26, 2010 1:42:09 PM
Subject: Fw: Dan Leavitt Ltr

----- Forwarded Message -----

From: Joyce Hamilton <jjhtromba@sbcglobal.net>
To: dhgeoconsult@hotmail.com
Sent: Mon, April 26, 2010 9:01:52 AM
Subject: Fw: Dan Leavitt Ltr

----- Forwarded Message -----

From: "dhgeoconsult@hotmail.com" <dhgeoconsult@hotmail.com>
To: Joyce Hamilton <jjhtromba@sbcglobal.net>
Sent: Mon, April 26, 2010 8:15:39 AM
Subject: Fw: Dan Leavitt Ltr

From: Jose Montalvo
Sent: Saturday, April 24, 2010 10:55 PM
To: Douglas Hamilton ; Douglas Hamilton
Subject: Dan Leavitt Ltr

See attachment

The New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. [Get busy.](#)

Comment Letter I401 - Continued

April 25, 2010

Mr. Dan Leavitt
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, California, 95814

Subject: Comments Regarding the Document "Bay Area to Central Valley High Speed Train, Revised Draft Program Environment Impact Report Material"

Dear Mr. Leavitt;

My comments regarding the referenced document relate (1.) to the overall economic viability and operating premises of the HST scheme of the HST Authority, (2.) to particular aspects of the scheme, especially seismic hazard and (3.) to my proposed alternate layout of an Altamont HST alignment between Altamont Pass and the San Francisco International Airport. These comments follow a statement of my professional qualification and background.

Qualifications

The writer's background includes education and practical experience of more than fifty years in the fields of engineering and seismic geology as applied to large scale construction projects in seismic regions. He has BS, MS and Ph D degrees from Stanford University and long time memberships in professional and academic societies including the Association of Engineering Geologists, American Geophysical Union, Geological Society of America, etc. His professional career includes more than 30 years as Senior employee and then Principal/CEO of Palo Alto-based consulting geotechnical engineering and engineering geology firms, followed by 17 years and continuing as an individual consultant. In addition to work on major water supply, hydroelectric and nuclear power projects he has provided consulting services to Cal Trans for the Devils Slide Tunnel, new east span of the San Francisco-Oakland Bay Bridge, Dumbarton Bridge and Antioch Bridge. His current clients include the Northern California Power Agency, the Santa Clara Valley Water District, the South Feather Water and Power Agency, and Tacoma

I401-1

Mr. Dan Leavitt
California High Speed Rail Authority
April 25, 2010
Page 2

Power, as well as the U.S. Department of Justice and a major Southern California law firm. He is licensed as a Professional Geologist and Certified Engineering Geologist in California and as an Engineering Geologist in Washington.

I401-1
cont.

Comment regarding overall economic viability of the HST scheme

This issue has three basic components: (1.) Construction/Financing Cost, (2.) Operating Cost, and (3.) Revenue. Clearly for any scheme that does not receive taxpayer funding, component (3.) must at least equal the sum of components (1.) and (2.). For the HST scheme at this Program Draft EIR stage, the values of all of these components can only be educated, or blindly hopeful guesses, in whatever level of detail they are presented by either the HST Authority proponent or the opponents of the scheme. But certain trends are already becoming apparent. These are that both the (1.) construction financing cost and the (2.) operating cost estimates are being increased, requiring a near doubling of the required (3.) revenue side of the equation. This of arithmetic necessity has in turn required (so far) a near doubling of the projected HST ticket price, which has highly negative implications for the competitiveness and hence volume of ridership, of the HST scheme. None of this bodes well for the economic viability of this vastly expensive project, even according to the current estimates of the Authority's paid consultant. But here it is instructive to review what has actually happened with large scale projects during the past several decades. Four examples can be cited (three of which included work by the writer) but there are plenty of others as well. The four examples, in their order of occurrence are the following:

I401-2

1.) Diablo Canyon Nuclear Power Plant. Pacific Gas and Electric Company (PG&E) began planning for this 2300 MW 2-unit power plant in around 1963 and by about 1966, had developed a cost estimate for its construction of c.\$500 million or somewhat less. Its operating costs were projected to be only a few cents per kilowatt hour which would have allowed for very low costs to PG&E's captive Rate Payers and following many delays and requirements for seismic and other upgrades, the cost was still only c.1.2 billion or between 2 and 3 times the original

Comment Letter I401 - Continued

Mr. Dan Leavitt
California High Speed Rail Authority
April 25, 2010
Page 3

estimate, by 1981, when the plant finally received an operating license from the Nuclear Regulatory Commission. Then the fact that an enormous design error had occurred during part of the seismic upgrades process was discovered and 3 more years of reanalysis and construction upgrades ensued, all while capital costs were accumulating with no balancing revenue. When the plant finally went online in 1984, its cost was \$5.6 billion, nearly all of which the California Public Utilities Commission allowed PG&E to pass on to its captive customers. The resulting rates are among the highest in the U.S.

2.) The Boston Central Artery/Tunnel, known as the "Big Dig" and the project most like the HST scheme among those cited here. This complex, difficult project was originally estimated to cost c. 1-2 billion to construct, but ended with a cost of c. 14 billion. The Boston taxpayers are making up the difference.

3.) The east span of the San Francisco Bay Bridge replacement. This project was originally estimated to have a construction cost of c. 2 billion. Its estimated cost is now in the range of 10-12 billion assuming the "signature" single point suspension span construction doesn't somehow go wrong.

4.) Devils Slide Tunnel, on Highway 1 south of San Francisco. The construction cost for this 2-bore highway tunnel was estimated at \$150 million at an advanced stage of design, but is now expected to be \$270 million, making the increase of 180% seem almost trivial. But a 180% overrun in the cost of the HST scheme, which seems likely to be a minimum based on the available comparative examples, would require a four or five-fold increase in ticket cost.

Comment regarding alignment alternatives

If despite the fiscal irresponsibility and questionable operational premises of the HSR scheme being planned by the HSR Authority, the Authority still manages to proceed with this scheme, it should be incumbent on the Authority that the alignment layout now proposed by the Authority

I401-2
cont.

I401-3

Mr. Dan Leavitt
California High Speed Rail Authority
April 25, 2010
Page 4

be reconsidered and revised. Considerations that support the need for reconsideration of the Pacheco alternative that is being vigorously promoted by the Authority versus the Altamont alternative, include the following:

1. Relative seismic hazard,
2. Relative operating cost
3. Service access to potential HST users and
4. Impact on property values and quality of life, for the population along the two main HST alternative alignments.

I401-3
cont.

For the writer's comment regarding relative seismic hazard, a plot has been prepared showing the Authority's layout of the various alignments it has considered, emphasizing the Pacheco alternative it favors, plus a modified Altamont alternative developed by the writer. These alignments are plotted on a copy of the California Geological Survey "Fault Activity Map of California" in order to provide reference to the recognized seismic source structures in the Bay Area-to-Central Valley sector of the overall HST layout.

As shown on Figure 3-1, "Relation to Existing Transportation Corridors" from the subject Draft Program EIR, the HST Authority's Pacheco and Altamont alignments diverge northward at the DT Merced Station point and rejoin at the Millbrae – SFO point. As scaled from Figure 3.1 the two alternative alignments are each approximately 135 miles long so they cannot be differentiated by distance. At the surface, however, the Pacheco Pass alignment is some 360 feet higher in elevation than the Altamont Pass alignment. (The implications of this elevation difference will be decreased further on). Each alignment crosses the entire width of the Diablo Range although the amount of actual mountainous terrain is much less for the Altamont alignment since much of its Diablo Range traverse is in the Livermore and Sunol Valleys. The HST Authority Altamont alignment, however, is shown (implausibly) as extending directly across the several ridges of the southern East Bay Hills, which form a topographic barrier at c.750 feet elevation in the vicinity of the HST alignment. Seemingly, crossing this terrain barrier

I401-4

Comment Letter I401 - Continued

Mr. Dan Leavitt
California High Speed Rail Authority
April 25, 2010
Page 5

could only be accomplished by boring an approximately 6 miles long tunnel through it. This would then be one of the longer transportation tunnels in North America. I401-4 cont.

Both the Pacheco and Altamont HST alignments involve several crossings of known active faults bordering and lying within the northern Diablo Range so the two alignments are similar in this respect. The difference in seismic exposure between the alignments instead lies with the length of the alignment parallel and in relatively close proximity to, potentially seismogenic faults. For this case fully 70 miles of the Pacheco alignment follows the narrow geological sliver of ground between the San Andreas and the Calaveras-Hayward faults while only the northernmost 15 miles of the Altamont alignment (which parallels the corresponding part of the Pacheco alignment) has a similar relationship to the San Andreas fault. It should also be noted that at two locations the Pacheco alignment is essentially tangent to the leading-edge traces of seismogenic faults of the San Andreas – bordering frontal fault system facing and overthrusting the Southern San Francisco Bay plain and the Santa Clara Valley. I401-5

The significance of this disparity in exposure to near-field seismic strong motion between the Pacheco and Altamont HST alignments is not regarding the feasibility of constructing the HST trackage, since that is merely matter of providing suitable earthquake-resistant design and construction. It is instead, the susceptibility of trains traveling at HST speeds to being derailed by the sudden, unpredictable onset of pulses of strong vibratory ground motion. As anyone knows who has been in a moving motor vehicle during a strong earthquake (as many were in the Bay Region during the Loma Prieta earthquake in 1989), the vehicle becomes almost or sometimes completely uncontrollable. Furthermore the earthquake motion is amplified for elevated structures so that the likelihood of derailment of a fast moving train from an elevated track, such as the HST Authority proposes for the heavily populated central Peninsula segment of its Pacheco alignment, is vastly increased. But even at low speeds on surface trackage, historical experience demonstrates there to be a hazard of derailment during earthquakes. Locomotives were thrown or tipped from their tracks and ended up lying on their side adjacent to the tracks as a result of strong motion during earthquakes near Lumpoc in south-central

Mr. Dan Leavitt
California High Speed Rail Authority
April 25, 2010
Page 6

California in 1902 and near Point Reyes Station in northern California in 1906. But at least these derailments were in rural areas and the locomotives simply tipped over. Derailment of an HST moving at 100 plus mph on an elevated track through the homes, schools and businesses of the mid Peninsula would be another matter, with potential for mass casualties and property destruction. And it is to be emphasized that this hazard is governed by Newtonian physics; it cannot be "designed away". Basically the only mitigation is for HST trackage to be subgrade or underground or for there to be a wide safety corridor on both sides of the HST tracks. The latter form of mitigation would result in a wide Berlin Wall-like cleared swath with the tracks running in the middle. I401-5 cont.

2. Relative operating costs.

One of the significant operating costs for an HST is the cost of electricity to run the HST. Again, basic physics plays an unavoidable role, in that it takes more energy to gain elevation. In comparing the Pacheco and Altamont HST alignments, it is noteworthy that Pacheco Pass at 1368 elevation is 628 feet higher than Altamont Pass at 740 feet elevation. This differential of 628 feet means that, with the HST Authority-projected 228 HSTs per day a total of $228 \times 628 = 143,184$ feet (27 miles or 5 Mt. Everest's) of additional elevation rise per day, will be required for the Pacheco HST alignment compared to the Altamont alignment. This differential will not be cancelled by use of a new HST tunnel beneath Pacheco Pass to lower the grade there, since the grade could equally well be lowered for the Altamont Pass crossing. Clearly it would be much more expensive to lift the HST 27 miles more per day for the Pacheco alignment. I401-6

3. Service Access to potential HST users.

The southerly 80 miles of the San Francisco-Central Valley Pacheco alignment traverses thinly populated terrain, thus, while getting from Morgan Hill to Merced quickly, provides no useful access to potential HST users. The Altamont alignment in contrast, passes near a succession of population centers and also provides a logical point of departure for a branch line giving access I401-7

Comment Letter I401 - Continued

Mr. Dan Leavitt
California High Speed Rail Authority
April 25, 2010
Page 7

to the Stockton and Sacramento population centers. In contrast, establishing access for the southern East Bay (Union City), southern San Ramon Valley (Pleasanton), Livermore, and Tracy population centers plus providing a branch line accessing Stockton and Sacramento from a Pacheco Alignment into the Bay Region, would require construction of an Altamont alignment in addition to the Pacheco alignment.

I401-7
cont.

4. Impact on property values and quality of life for the population living along the two main alternative HST alignments

It is obvious and indisputable that the most adverse impact on quality of life and values of residential property by an HST will occur in connection with establishment of the HST on elevated and/or at-grade tracks in the existing Cal Train corridor, between San Jose and San Francisco. The adverse impact along this segment of a Pacheco alignment would be greatly reduced or even changed to a positive impact if a subgrade configuration was utilized within the existing Cal Train right of way. But the operational hazards of running both HST, commuter Cal Tran trains, and Union Pacific freight trains in close proximity in parallel tracks can hardly be overstated. A rational design, instead, requires that the HSTs be run along a separate alignment. Such an alignment is proposed in the following section of these comments.

I401-8

I401-9

Proposed revised Altamont HST Alignment

The foregoing comments focused on the general economic viability of the HST scheme, and on four critical areas in which the HST Authority-promoted Pacheco Pass alignment compares unfavorably with an Altamont Pass alignment. Here an alternate version of an Altamont Pass-San Francisco Bay Margin alignment is identified and briefly discussed. The layout of this alignment is shown on the attached map, which is a reduced scale compilation of several USGS 1:100,000 scale metric series maps.

I401-10

Mr. Dan Leavitt
California High Speed Rail Authority
April 25, 2010
Page 8

The alternate Altamont alignment is similar to the HST Authority alignment only in that it crosses Altamont Pass and the south end of San Francisco Bay adjacent to the Dumbarton Bridge. The major segments of this alternative alignment, starting at the Central Valley margin west of Tracy, are the following:

- 1.) Altamont Pass
- 2.) Southeastern Livermore Valley
- 3.) Vallecitos Hills and Valley
- 4.) Sunol – Valley crossing
- 5.) Mission Pass
- 6.) Southeast margin of San Francisco Bay (including the San Jose access spur)
- 7.) South Bay crossing, and
- 8.) Southwest margin of San Francisco Bay

Significant features of an HST scheme constructed and operating along this alignment are noted below.

I401-10
cont.

1.) Altamont Pass

This segment crosses the hills that lie between the Central Valley and Livermore Valley, mostly following the old little-used Altamont Pass road but merging with and paralleling the alignments of the Southern Pacific and Western Pacific rail lines from Altamont Pass down the canyon of Altamont Creek to its junction with the I-580 freeway. The alternate alignment then passes beneath the spur of the ridge on the south side of the lower reach of Altamont Creek canyon via a 3500 feet long tunnel, emerging at the foothills margin of Livermore Valley. This alignment segment also utilizes a 2000 feet long tunnel immediately east of the top of Altamont Pass in order avoid the canyon narrows there and smooth the alignment curvature which would otherwise be required. The east end of this segment is at elevation 160, the high point at elevation 740 and the west end at elevation 700. The segment length is c.9 miles and the maximum gradient along it is 3% in one 3000 feet reach. This gradient could be reduced to 2%

Comment Letter I401 - Continued

Mr. Dan Leavitt
California High Speed Rail Authority
April 25, 2010
Page 9

either by raising the east end of the reach by placing it in a side hill cut or lowering its west end by means of a local trench.

The east end of the Altamont Pass segment is in the vicinity of the Coast Ranges-Central Valley fault, which is poorly defined at the surface but is a potential source of intermediate magnitude earthquakes.

2.) Southeastern Livermore Valley

This segment crosses the southeastern margin of Livermore Valley. The segment traverses gently northwest sloping terrain, and lies along the north side of the major power line corridor across this area. Its elevation ranges from 700 feet at its east end to 580 feet at its west end. The segment length is 8 miles. The land along this alignment segment is mostly agricultural but the alignment passes near a water supply reservoir and filtration plant and more significantly, the southeast corner of the mile-square Lawrence Livermore National Laboratory complex. The segment crosses the trace of the active Greenville fault near its east end, and parallels the Los Positas fault along much of its length.

3.) Vallecitos Hills and Valley

This segment traverses the Vallecitos Hills via a 5000 feet long tunnel and then extends along the floor of the entire length of Vallecitos Valley, paralleling the major power line corridor there for a distance of 1.3 miles. Its elevation drops gradually from 580 feet at its east end to 300 feet at its west end. The WNW-ESE aligned Verona thrust fault, which forms the southwest margin of the Vallecitos Hills, may intersect this alignment segment near the east end of Vallecitos Valley.

4.) Sunol Valley crossing

This 1.5 mile-long alignment segment crosses Sunol Valley at 250 feet elevation. The segment parallels the northwest side of the local reach of the I-680 freeway, and crosses the trace of the NNW aligned Calaveras fault near the junction of Highways 84 and I-680.

I401-10
cont.

Mr. Dan Leavitt
California High Speed Rail Authority
April 25, 2010
Page 10

5.) Mission Pass

This approximately 3 mile-long segment crosses the East Bay Hills southwest of the Sunol Valley, paralleling the I-680 freeway. The northeast (Sunol Valley) end of the segment is at elevation 300, its central reach across Mission Pass is slightly higher than elevation 600, and its west end, where it enters the Mission San Jose District of Fremont, is at about elevation 250.

The maximum surface gradient along this segment is 8%, which is too steep for HST use, however a 7000 feet long tunnel, with a northeast portal at elevation 500 and a southwest portal at elevation 400 would eliminate this problem. In this case the northeast portal at elevation 500 would be the high point of the segment.

6.) Southeast margin of the San Francisco Bay

This 12.5 mile long segment begins at the edge of the East Bay Hills and ends near the east shoreline of the south bay. Its elevation gradually declines over this distance from 250 feet to sea level. The northeasternmost approximately 2 miles of this segment parallels the north and west side of the I-680 freeway. It then turns into a southwesterly course that parallels a major power line corridor for 2 miles. The segment then turns west and arcs across terrain mostly used for salt evaporation ponds for a further 7 miles, to the Bay margin.

A junction located near the northeast end of this segment provides a branch segment leading to a station in San Jose. The Hayward fault extends through this branches junction area. This is the most active of any of the faults present in direct proximity to the Altamont alternate alignment.

7.) South Bay Crossing

This approximately 1.5 mile long segment crosses the open water of the southerly part of San Francisco Bay. Here the HST alignment would have to be via a new dedicated bridge, or a tube beneath the bay.

I401-10
cont.

Comment Letter I401 - Continued

Mr. Dan Leavitt
California High Speed Rail Authority
April 25, 2010
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8.) **Southwest margin of San Francisco Bay**

This approximately 17 mile segment of the Altamont alternate alignment would follow a power line corridor that parallels the shoreline. Going northwest from the southwest end of the Dumbarton Bridge the alignment segment gradually converges with both Highway 101 and the Cal Train right-of-way being promoted as the HST Authority's preferred Pacheco HST alignment through the San Francisco peninsula. The convergence occurs at the Highway 101 exit to San Francisco International Airport and the two alignments merge into one continuing on to the HST terminous in San Francisco.

The Altamont alternate HST bay margin alignment traverses environmentally sensitive terrain but avoids built up areas of human settlement except where it crosses the Foster City development on Brewer Island. And this alignment does not cross pristine bay margin terrain since as noted above, a power line corridor already exists along it.

Foundation conditions along most of this segment are relatively poor but both highway bridge footings (Dumbarton, San Mateo) and engineered fill developments (Foster City, San Francisco International Airport) have been constructed and performed satisfactorily including during the 1989 Loma Prieta earthquake.

Further to the issue of earthquake hazard, it may be noted that the shoreline segment of the Altamont alternate HST alignment is between 2 and 4 miles farther away from the San Andreas fault earthquake source than the corresponding reach of the central peninsula Cal Train alignment. This reduces but probably does not eliminate the hazard of earthquake-induced train derailment for the shoreline alignment as compared to the Cal Train alignment.

Seemingly, use of this alternate HST alignment segment would largely mitigate most of the highly adverse effects of a surface or elevated HST configuration using the Cal Train corridor through the San Francisco Peninsula region.

I401-10
cont.

Mr. Dan Leavitt
California High Speed Rail Authority
April 25, 2010
Page 12

I appreciate having the opportunity to provide the foregoing comments regarding the Program EIR for the HST scheme.

Yours very truly

Douglas H. Hamilton, Ph D, C.E.G.

Comment Letter I401 - Continued

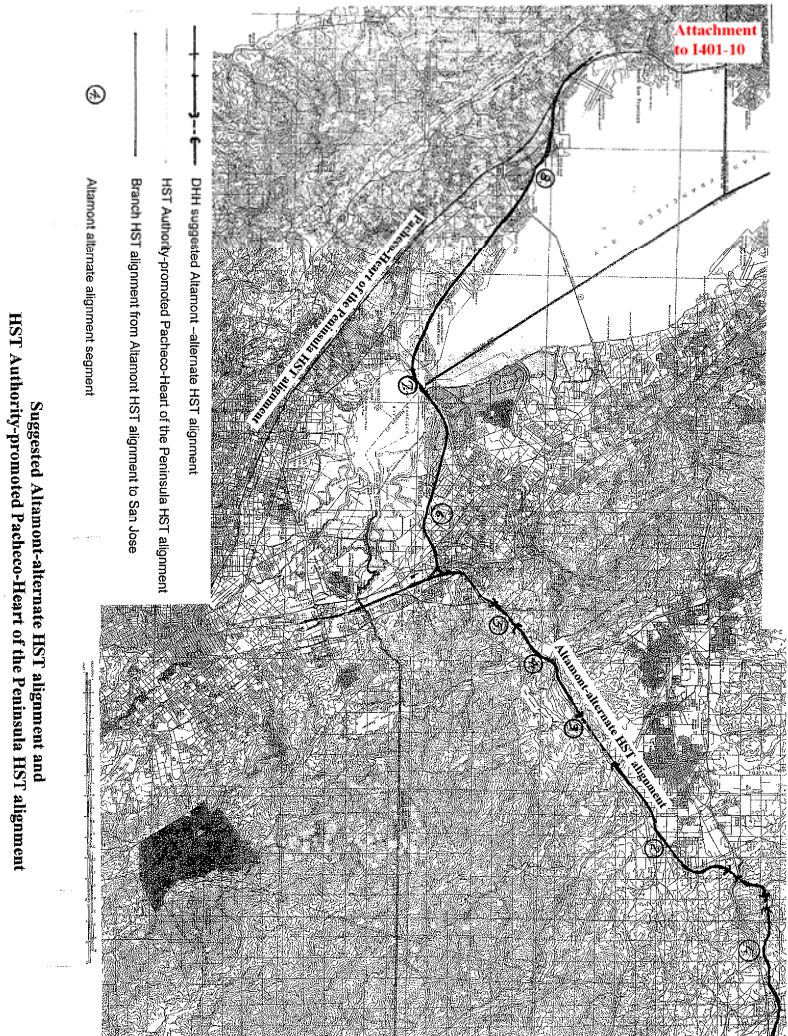
Mr. Dan Leavitt
California High Speed Rail Authority
April 25, 2010
Page 12

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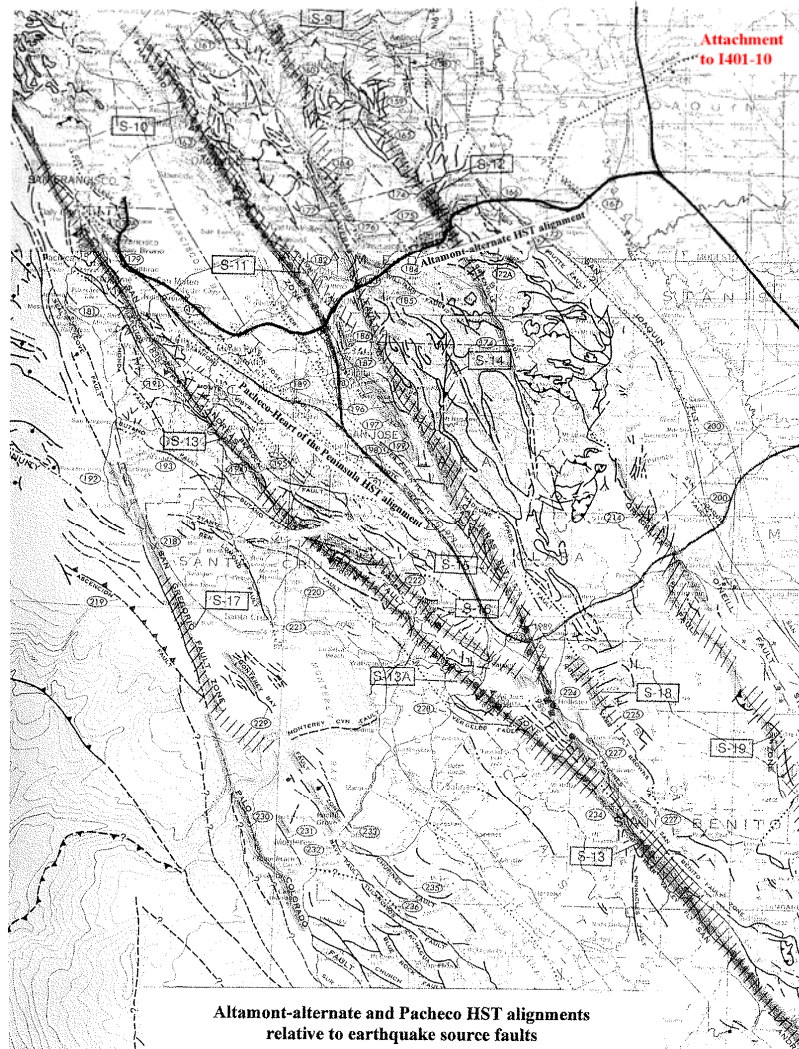
Yours very truly

Douglas H. Hamilton

Douglas H. Hamilton, Ph D, C.E.G.



Comment Letter I401 - Continued



DOUGLAS H. HAMILTON
CONSULTING GEOLOGIST

2 BASSETT LANE, AHERTON, CALIFORNIA 94027
Tel: 650 321 3071 • Fax: 650 328 8712 • email: geoconsult@dhhamilton.com

April 25, 2010

Mr. Dan Leavitt
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, California, 95814

Subject: Comments Regarding the Document "Bay Area to Central Valley High Speed Train, Revised Draft Program Environment Impact Report Material"

Dear Mr. Leavitt;

My comments regarding the referenced document relate (1.) to the overall economic viability and operating premises of the HST scheme of the HST Authority, (2.) to particular aspects of the scheme, especially seismic hazard and (3.) to my proposed alternate layout of an Altamont HST alignment between Altamont Pass and the San Francisco International Airport. These comments follow a statement of my professional qualification and background.

Qualifications

The writer's background includes education and practical experience of more than fifty years in the fields of engineering and seismic geology as applied to large scale construction projects in seismic regions. He has BS, MS and Ph D degrees from Stanford University and long time memberships in professional and academic societies including the Association of Engineering Geologists, American Geophysical Union, Geological Society of America, etc. His professional career includes more than 30 years as Senior employee and then Principal/CEO of Palo Alto-based consulting geotechnical engineering and engineering geology firms, followed by 17 years and continuing as an individual consultant. In addition to work on major water supply, hydroelectric and nuclear power projects he has provided consulting services to Cal Trans for the Devils Slide Tunnel, new east span of the San Francisco-Oakland Bay Bridge, Dumbarton Bridge and Antioch Bridge. His current clients include the Northern California Power Agency, the Santa Clara Valley Water District, the South Feather Water and Power Agency, and Tacoma

California Registered Geologist No. 56 • Certified Engineering Geologist No. 31
Washington Engineering Geologist No. 1710

Response to Letter I401 (Douglas H. Hamilton, April 25, 2010)

I401-1

Background information acknowledged.

I401-2

See Response to Comment I037-2.

I401-3

See Response to Comment I037-3.

I401-4

See Response to Comment I037-4.

I401-5

See Response to Comment I037-4.

I401-6

See Response to Comment I037-5.

I401-7

See Response to Comment L022-1.

I401-8

See Response to Comment I037-7.

I401-9

See Response to Comment I037-7.

I401-10

See Response to Comment I037-8.

Comment Letter I402 (Diane Roth, April 26, 2010)

I402

Kris Livingston

From: Diane Roth [dianerth@stanfordalumni.org]
Sent: Monday, April 26, 2010 4:58 PM
To: HSR Comments
Subject: Bay Area to Central Valley Program EIR Material Comments

To: Dan Leavitt

I do not support the California high Speed Rail Project as addressed in the Program EIR submitted to date for the following reasons (I am advised by legal counsel that I have a right to comment on all issues covered by the EIR in accordance with the order of the Sacramento County Court.)

1. The business plan is inadequate in that it relies on overly optimistic and inaccurate projections of ridership as revealed by investigation of a Stanford graduate with extensive expertise in econometrics. This has been covered in detail in the media. A new impartial entity needs to do further analysis here. I402-3
2. The business plan inadequately addresses the costs of eminent domain takings that will be necessary in many parts of the peninsula. There is also inadequate data regarding the number of housing units that will be destroyed, the number of businesses destroyed and the resulting loss of property tax income for cities along the proposed route. I402-4
3. There has been inadequate study of other routes from San Jose to San Francisco other than the Caltrain corridor. E.g., what about the possibility of tunneling under the bay the way BART was constructed? I402-5
4. Where is the data on destruction of tens of thousands of trees along the corridor and its effect on the health and well-being of nearby residents. I402-6
5. Overall the funding projections for the entire project are excessively rosy. California cannot afford to bail out this project if the analysis is not realistic. See Op-Ed of 2/24/10 in San Jose Mercury. I402-7

Respectfully,
Diane Roth

Response to Letter I402 (Diane Roth, April 26, 2010)

I402-1

Comment acknowledged.

I402-2

Comment acknowledged.

I402-3

This comment appears to address the Authority's Business Plan rather than the Revised Draft Program EIR Material. To the extent comment applies to the EIR, the Authority staff believes that the ridership projections used in the May 2008 Final Program EIR are adequate for the programmatic environmental review purposes for which they were developed. See Standard Response 4.

I402-4

This comment appears to address the Authority's Business Plan rather than the Revised Draft Program EIR Material. The 2009 Business Plan does, however, include within its capital cost estimates costs for property acquisition along the peninsula. Also see Standard Response 8.

I402-5

Please see Response to Comment L022-1.

I402-6

It is assumed in the 2008 Final Program EIR that Caltrain and HST would remain within the existing Caltrain right-of-way at most locations, meaning that trees outside the right-of-way would not be removed, although some trimming would be required for vegetation intruding on the right-of-way. The quantification of a precise number of trees to be removed as part of the HST project is well beyond the scope of the program EIR. A quick survey of aerial photographs presented a count of about 250 trees along the right-of-way to be removed in Atherton based on the program design, with most on property outside the Caltrain right-of-way rather than the "over 3,000" trees identified by the commenter. The project-level EIR/EIS will analyze the impacts to vegetation along the entire Caltrain corridor.

I402-7

Please see Standard Response 8 for information on the Business Plan regarding funding.

Comment Letter I403 (Bill Zaumen, April 22, 2010)

Kris Livingston

I403

From: Bill Zaumen [zaumen@pacbell.net]
Sent: Thursday, April 22, 2010 11:33 PM
To: HSR Comments
Subject: Comments on the HSR EIR

I would like to submit the following comments on the High Speed Rail Environmental Impact Report:

1. The EIR does not adequately address the impact of parking (both the parking structures and traffic going to and from them) and how Caltrain can be used to mitigate that issue. With optimally placed High Speed Rail / Caltrain stations, it should be possible to arrange for timed, cross-platform transfers between local trains and both high speed rail and express trains. Using the current Caltrain "baby bullet" and local trains as a rough guide, it seems that Palo Alto and Millbrae are at 1/3 and 2/3 of the travel time between San Jose and San Francisco. With stations located at 1/3 and 2/3 of the travel time between San Francisco and San Jose, parking for high speed rail can be distributed among multiple Caltrain stations, with a relatively small penalty, possibly none at all, compared to driving directly to a high speed rail station. The effect would be to substantially reduce travel times by train along Caltrain/HSR corridor, thereby increasing ridership for both Caltrain and high speed rail.

I403-1

2. Parking options need to be considered. Large parking structures are disruptive, particularly in locations such as downtown Palo Alto where automobile access is limited. In such cases it might make sense to put some of the parking near freeways (101 or 280). Creative solutions might mitigate the impacts. For example, if there is a high speed rail station in Palo Alto, a parking structure at or adjacent to the Sun Microsystems (now Oracle) site at the end of Willow Road would (a) be convenient for people traveling from the East Bay north of the Dunbarton Bridge, (b) would reduce traffic through East Palo Alto and Palo Alto through the use of buses or other options to reach the high speed rail station, (c) would also improve public transportation in a low-income community, and (d) would benefit Oracle and other nearby businesses, which could use the same buses to get people to and from work for those who could commute by train. Usually "satellite parking" suffers from the parking being out in the middle of nowhere, with bus or rail links being lightly used in one direction during the morning and the other during the evening. If the parking is next to a destination, that is not necessarily the case.

I403-2

3. The EIR does not address life-cycle issues for parking structures. This is an issue because we are on the brink of some major changes in automotive technology (for example, electric vehicles, some of which may have what would currently be considered to be unusual shapes, with some vehicles having very small footprints) and usage may change considerably during this century. Electric vehicles would be in widespread use today if the battery technology was significantly better, and that is improving rapidly: for example, the development of a novel manufacturing technique that uses viruses to create materials used in a battery, described at http://www.eurekalert.org/pub_releases/2009-04/miot-mvb033109.php. Similarly, one might see applications of robotic research, initially to enhance safety (automatic braking when an obstacle is detected), and next for autonomous operation in restricted environments such as a car-rental or parking facility. A recent technical article on current progress and possible uses is available (Sebastian Thrun, "Toward Robotic Cars," Communications of the ACM, April, 2010, pages 99--106), based on research at Stanford University.

I403-3

4. The EIR needs to address the impact on San Francisco International Airport - the current link to Milbrae is a disaster for anyone going to or from a location south of the airport. The optimal solution is probably a joint Caltrain /High Speed Rail /BART transfer station (no

I403-4

parking) directly across from the airport, with an airport train connection. Currently from SFO, you end up using the airport train to reach the airport BART station, then take BART a mile to the San Bruno station, then take a different BART train to Millbrae, and then transfer to Caltrain. I've tried this a handful of times and in about half the cases, the BART train arrived at the Millbrae station while a Caltrain one was there, but I didn't have enough time to get up the stairs, buy a ticket, and go down the stairs on the other side. In one case, I had a 30 minute wait for the next train, which was not an express train so my travel time was increased by nearly an hour. With that sort of connection, travelers from SFO heading to the Central Valley will travel by plane rather than using high speed rail because the connection to high speed rail is simply too slow or too unreliable. An improvement would require a partial redesign of the connections between the airport and the nearby rail systems.

I403-4
cont.

Response to Letter I403 (Bill Zaumen, April 22, 2010)

I403-1

The analysis of number of parking spaces required and the placement of the parking facilities will be conducted in the project-level EIR/EIS. This information will be documented in a Traffic, Transit, Circulation and Parking Report. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods.

I403-2

See Response to Comment I403-1.

I403-3

See Response to Comment I403-1.

I403-4

No changes in access to the San Francisco Airport are proposed as part of the HST project.

Comment Letter I404 (Michela Stribling, April 20, 2010)**Kris Livingston****I404**

From: Michela Stribling [michela.stribling@gmail.com]
Sent: Tuesday, April 20, 2010 12:57 PM
To: HSR Comments
Cc: stribs@gmail.com
Subject: Concerned About Route Alternatives for High Speed Rail

Dan Leavitt
comments@hsr.ca.gov
 California High-Speed Rail Authority
 925 L Street, Suite 1425
 Sacramento, CA 95814

RE: Comments on Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt and the High Speed Rail Authority:

I'd like to comment on the Draft Program Level Environmental Impact Report (EIR) prepared on the Authority's proposed routing of the system in the San Francisco Bay Area.

In short, the Authority's proposed project routing presents extremely deleterious impacts on the San Francisco Peninsula. These impacts would significantly reduce the quality of life not only in my neighborhood, but throughout our entire community. They include, but are not limited to, noise and vibration impacts, view impacts, business impacts, impacts on trees and other vegetation, and increased public safety dangers. The Draft EIR does a wholly inadequate and unsatisfactory job of evaluating the affects of these impacts on the many densely populated communities along the San Francisco Peninsula. Many of the listed impacts could be eliminated, or vastly reduced, by choosing a completely different routing solution.

I404-1

I believe the law requires the Authority to do a more thorough investigation of routing alternatives. You have dismissed without adequate analysis the use of existing right of ways along Highway 101 and Interstate 280. The law requires you to identify ways to eliminate or to mitigate the undeniable impacts of the project, and to do this to the greatest degree feasible.

I request you to revise the Draft EIR, and then recirculate a Revised Draft EIR for further review and comment by the public. The Revised Draft should study the following alternative routes:

I404-2

- Highway 101 corridor
- Altamont Alignment to Highway 101
- Ending the High Speed Train in San Jose

Thank you for taking my comments and concerns into account, as the California Environmental Quality Act requires.

Yours truly,

Michela Stribling

April 20, 2010

1

2

Response to Letter I404 (Michela Stribling, April 20, 2010)

I404-1

The comment expresses concerns about noise, vibration, visual, business, vegetation, and public safety impacts and to quality of life on the Peninsula. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

See Standard Response 6 regarding the requirements of CEQA and quality of life impacts.

I404-2

See Standard Response 10 regarding alternatives.

The May 2008 Final Program EIR identified general mitigation strategies to avoid or minimize significant environmental impacts. Mitigation strategies are general methods of avoiding and minimizing impacts that can be refined and tailored to project specific circumstances at the next tier of environmental review. The Authority will consider adopting these strategies when it makes a new program-level decision.

The Authority has revised and recirculated certain portions of the 2008 Final Program EIR as the 2010 Revised Draft Program EIR Material. The purpose of the recirculated material is to comply with the final judgment of the Town of Atherton litigation. The Authority does not believe that additional revision and recirculation is necessary to fully comply with the court judgment and CEQA.

Comment Letter I405 (Vic Salvo, April 21, 2010)

I405

Kris Livingston

From: Vic Salvo [ekri214@yahoo.com]
Sent: Wednesday, April 21, 2010 10:49 PM
To: HSR Comments
Cc: Plandiv.info@cityofpaloalto.org
Subject: The high speed rail

It is so hard to balance the needs of the populace to the needs of those affected along the way. If you need to have an opinion of if I want the high speed railway or not the answer is no I do not. My opinion of government is however that you all just read our email, placate to us all and do what you want anyway. So let me share a few ideas you might not have thought of

I405-1

Some entrepreneur is approaching Mountain view (the city) to build at the entrepreneur's expense a local high speed personal public transportation. He is building a 1000 foot test site at the Old Moffet field as we speak. I forgot the name of this but it was in a local paper so I am sure with a little asking you can find out about it. What I recall was people will be able to travel in these little pods at 150 miles per hour and he uses an anti gravity magnet system to make it such that it does not need to be so heavy and if that was not enough the pods are networked so they do not run into each other. Imagine that, one day you can go from your street corner to Los Angeles at 150 miles per hour in your own 1, 2, 4 or 8 person pod. Of course by the time you finish this high speed rail you can demolish it and build some high speed thing like this guy.

I405-2

also is tunneling really that expensive compared to

- 1) buying out the homes along the way
- 2) the eye sore of this train
- 3) the noise and my favorite
- 4) all the liability lawsuits you will have when this train jumps the tracks at 120 miles per hour 100 feet up sending the equivalent of a scud missile down our neighborhoods.

I405-3

So I am a little more cynical but practical. I know somewhere there is some company who stands to make a ton of money off this deal. Well we both know that will be between 4 and 6% of the whole project so instead of telling us how good we will be lets just pay these guys the 4 to 6% of the project to go away and please instead install a quiet, faster, more personal, safer more high tech system. Okay.

I405-4

Tea Party person who hates paying taxes to you morons

Vic

Response to Letter I405 (Vic Salvo, April 21, 2010)

I405-1

Comment acknowledged.

I405-2

Comments acknowledged.

I405-3

See Response to Comment to I180-7.

I405-4

Comments acknowledged.

Comment Letter I406 (Bob Buehrer, April 6, 2010)

I406**Kris Livingston**

From: BBuehrer [bbuehrer@spectralsystems.com]
Sent: Tuesday, April 06, 2010 8:10 AM
To: HSR Comments
Subject: High Speed Rail

To who it may concern:

I am dismayed that planners of the new high speed rail system think this system will be successful by "saving a couple of bucks" and sharing tracks with freight trains. This will simply result in a similar loser system like the current Metro Link which I cannot use because it doesn't run often enough or in both directions on a consistent basis. A dual use track system will result in big fees being collected by the railroad companies that the trains will run on as we the public work around the freight schedule and be told that passenger trains can't run more frequently because there is no more funding to buy "track time".

I406-1

I've heard comments saying proponents plan on running the trains every five minutes and that this is crazy. I would have to agree that until ridership supports a train every 5 minutes it would be crazy. However, having the ability to ramp up to that when the ridership supports it is quintessential to the success of the rail system. There is no way a shared track system could come close to the flexibility required to make the system responsive enough to the ridership to make it successful.

I406-2

Let's not hamstring the best transportation project this state has ever seen by "cheaping out" on the crazy dual track idea.

I406-3

Best regards.

Bob Buehrer
bbuehrer@spectralsystems.com

Response to Letter I406 (Bob Buehrer, April 6, 2010)

I406-1

The HST system would have its own tracks separate from the private freight railways and control its own scheduling.

I406-2

The HST system is being designed with its own tracks and signaling system to allow trains to run every five minutes to ensure future capacity will handle potential passenger demand.

I406-3

Comment acknowledged.

Comment Letter I407 (Shue Huo, April 2, 2010)

I407**Kris Livingston**

From: Shue Huo [poposhue@gmail.com]
Sent: Tuesday, April 06, 2010 6:44 PM
To: HSR Comments
Cc: plandiv.info@cityofpaloalto.org
Subject: stop to build the High-speed rail

April 2, 2010

High-speed rail authority,

Dan Leavitt,

Today's newspapers all over the Bay Area reported the news that Caltrain has a huge deficit because of declining ridership. They are willing to cut mid-day, late-night and weekend service. Caltrain has daily commuters but still has a huge deficit. What does this means for the high-speed rail? Who need to take high-speed rail on daily basis? That means the high-speed will have more deficit than Caltrain. If you are a good person and have better judgment and if you are concerned about the country, the people and next generation. You will stop wasting government and tax payers' money to create a huge deficit for later. We need the government to build a better country for its peoples. Not to destroy the country. So, please stop building the high-speed rail. We don't need it.

I407-1

Shue Huo

Response to Letter I407 (Shue Huo, April 2, 2010)

I407-1

The Authority disagrees with the comment. Over 45 years in many countries around the world, HST has repeatedly proven its ability to cover its operating costs and return an operational profit (passenger revenues exceed operational and maintenance costs).

Comment Letter I408 (BDonog, April 19, 2010)

1408

Kris Livingston

From: BDonog4579@aol.com
Sent: Monday, April 19, 2010 10:08 AM
To: HSR Comments
Subject: Draft EIR Comment

The EIR does not address the following aspects:

1. CalTrain has upgraded the at grade track, signal, and station facilities over the past 10+ years. The cost must be in the hundreds of millions of dollars. Please provide a Public document which identifies the facilities upgraded and a schedule of location, initial cost, and status of the funding of all of these projects. Additionally, identify which of these improvement projects will be partially or fully demolished, and how CalTrain will be refunded the cost of these projects. If any of the improvements will be returned to freight service without any transit use also provide a detailed analysis of the fund transfer between all of the agencies and companies involved. | 1408-1
2. Please address in greater detail and with dimensioned cross sections the physical conflicts which will need to be addressed if freight and electric CalTrain/HSR cars use the same tracks. | 1408-2

Response to Letter I408 (BDonog, April 19, 2010)

I408-1

This topic was not identified by the Superior Court as an area requiring additional work under CEQA in the Town of Atherton case. This comment requests consideration of detailed information that cannot be known at the program level because the project design and engineering has not progressed to the point where that analysis can be completed. See Standard Response 10.

I408-2

The level of detail provided in the 2008 Final Program EIR was appropriate. More detailed design work will take place as part of the project-level EIR/EIS.

Comment Letter I409 (Stan Hutchings, April 18, 2010)

Kris Livingston	
From: stan.hutchings [stan.hutchings@gmail.com] Sent: Sunday, April 18, 2010 7:02 PM To: HSR Comments; senator.simitian@sen.ca.gov Subject: time to halt the HSR project	
In view of the disastrous California State Budget mess, spending billions of dollars for a project that will benefit relatively few but cost everyone, the HSR project should be put on immediate hold.	I409-1
The voters should be able to approve or disapprove the project in the next general election.	I409-2
With the new business plan, the average ticket on the high-speed train from San Francisco to Los Angeles is now estimated to cost about \$105, or 83 percent of comparable airfare, and the trip will take about 3 hours (station to station). But Southwest alone has 11 flights SFO-LAX at "Wanna get away" price as low as \$49, and takes only about 1 hour (airport to airport). But travelers are not limited to SFO and LAX. We can leave from OAK, SJC or SFO; and arrive at LAX, SNA, BUR, or ONT. The train will have only an estimated 9 departures per day, with destinations limited to Sacramento, San Francisco, Los Angeles and San Diego (assuming the line is ever completed). In contrast, there are hundreds of daily airline flights to and from dozens of California cities, and thousands of flights to and from destinations in other states and countries, on dozens of competing airlines. In addition, our Interstate Highway System connects cities across the US.	I409-3
With expected advances in automobile technology, by 2020 cars will get in excess of 50 mpg, if fuel economy is a criterion. Electric vehicles will be pollution-free, if that is desired. Even now, it's only a 6-hour drive to LA, just 3 hours more than by train – but with door-to-door service, and no extra time spent getting to and from the stations, or arriving early for check-in. With expected advances in highway technology, driving will become simpler and safer. Already hands-free systems are being developed in the US and other countries see http://en.wikipedia.org/wiki/Driverless_car .	I409-4
The cost of the project — recently pegged at \$33.6 billion in 2008 dollars— is now estimated at \$42.6 billion in time-of-construction dollars. This is an amount that California does not have to spend on a discretionary program when so many mandatory expenses are not funded, and our State budget is seriously in deficit. If there is indeed cash available after funding education, health programs, water and energy issues and other truly necessary programs, it would make much greater sense to use that money to further develop smart, economical, low-carbon footprint cars and smart, safe highways to allow people to get to all the cities and towns in our state and country, not just four.	I409-5
Personally I think the estimated cost is grossly under-estimated and ridership of the train is grossly over-estimated. 120,700 riders per day in 2035? Get real! I seriously doubt it. Caltrain barely got 39,000 riders per day in February 2009 (http://www.caltrain.com/pdf/annual_ridership_counts/2009_Caltrain_Ridership_Counts.pdf), and has reduced service while increasing ticket prices because they are losing money due to low ridership. Will a family of 4 going to Disneyland spend \$420 to go by train, or to go by air for \$200, or to go by car for \$100 arriving right at their destination with their own convenient transportation? To me, it's a no-brainer! Can't our representatives in Sacramento realize this? True, some business travelers may opt for a slower but more spacious and well-equipped transportation, especially if the service caters to business travelers. But is that the plan? If so, are there really going to be enough business travelers to generate a profit? I doubt it! If it is the plan, businesses should pay for it by an added "transportation tax". Already any business interested in improving their bottom line is cutting back on travel, and finding alternatives. As teleconferencing via the Internet becomes more widely available, realistic and cheaper (see recent advances by Cisco- google cisco telepresence), the need for business travel is being greatly reduced.	I409-6
Finally, the environmental impact of such a huge program would be extremely disruptive and completely unnecessary. Since the HSR itself is unnecessary and unwanted, the environmental impact is totally avoidable if the project is canceled now before any damage is done. In addition to the environmental impact, there will be significant judicial impact as numerous lawsuits opposing the HSR wind their way through the courts. Just the cost of defending against the lawsuits will be huge, any settlements will only add to the astronomical cost, which the State cannot afford and is not included in the project budget. Although the estimated environmental impact <i>per person</i> is low for a full train, the impact <i>increases</i> as the load factor decreases. We see the same problem with buses that run with just a few passengers, but spew clouds of soot and carbon dioxide.	I409-7
The only sensible use for rail is transporting mail, heavy freight and other goods; but that does not seem to be in the business plan.	I409-8

Response to Letter I409 (Stan Hutchings, April 18, 2010)

I409-1

Comment acknowledged.

I409-2

Comment acknowledged.

I409-3

Comments acknowledged.

I409-4

Comments acknowledged.

I409-5

The 2005 Statewide Program EIR identified alternatives to meet the mobility goals of the state of California in the year 2020. The alternative to continue to rely on piecemeal expansion of airports and highways (the Modal Alternative) proved more costly and environmentally damaging than the HST alternative. Based on that analysis, the implementation of a statewide HST system is the responsible solution. The HST system will serve more than four cities. There are 26 stations planned. An airport serves more than one city, as well will a HST station.

I409-6

We disagree that project cost estimates are understated and ridership is overstated. See Standard Response 4.

I409-7

This comment expresses an opinion that the HSR project is unnecessary and unwanted, states that the costs of lawsuits will be too high, and states that the environmental cost per person will increase as "load factors" decrease. See Standard Response 4 regarding ridership. Also see Response to Comment I370-5 regarding benefits.

I409-8

The comment expresses an opinion that the only sensible use of rail is for transporting mail and freight. Comment acknowledged, but since it does not address the environmental document, no response is provided.

Comment Letter I410 (Bob Asquith, April 18, 2010)

I410

Kris Livingston

From: HighSpeedRail@Burlingame.org
Sent: Sunday, April 18, 2010 3:06 PM
To: IT-Jackson, Sid; PW/ENG-Gomery, Jane; PW/ENG-Morimoto, Art; HSR Comments; prp@caltrain.com
Subject: FW: It is the View

From: Bob Asquith[SMTP:BOBASQUITH@YAHOO.COM]
Sent: Sunday, April 18, 2010 3:05:26 PM
To: HighSpeedRail@Burlingame.org
Subject: It is the View
Auto forwarded by a Rule

There are plenty of studies that show the PRIMARY reason folks ride non-commuter trains is for the VIEW.
 Undergrounding the tracks along the Peninsula will absolutely doom ridership.

Check out BART on the Peninsula if you have any doubt - their ridership is nowhere near what they forecast, with the exception of the SFO traffic. It is all about the view. Caltrain has it and BART does not.

I410-1

Regards, Bob Asquith
 bobasquith@yahoo.com
 (209) 962-7990

Response to Letter I410 (Bob Asquith, April 18, 2010)

I410-1

Comment acknowledged.

Comment Letter I411 (Ann Cerniglia, April 14, 2010)

I411**Kris Livingston**

From: richnann [richnann@earthlink.net]
Sent: Wednesday, April 14, 2010 11:11 AM
To: HSR Comments
Subject: "Bay Area to Central Valley Revised Draft Program-Level"

Dear Sir or Madam:

I live in the town of San Martin, CA. We have learned of the proposed alignments for the high speed rail coming through our area and wish to comment that: this bullet track with trains running at speeds of 220 mph on regular schedules can only be considered a problem of noise & vibration, never mind open space views. We already hear the trains coming through on the tracks running adjacent to Monterey Road. Many of us have animals who get easily spooked with loud noises and when the state sprayed for the medfly, our cows broke through fences because the vibrations frightened them so badly.

I411-1

We are also very concerned about what will happen with all the construction impacts. We lived through the pipelines from San Luis reservoir and the promises made and not kept with that project. We do not want our lovely town split into pieces because of this project. We are also concerned about what will happen to our property values because others will not want to live with the results of this project if we have a need to sell or move.

I411-2

What happened to the original plan of going through the Altamont Pass? This project should not go through areas where it will cause the quality of life to decline substantially. Our citizens and lovely area does not deserve that.

I411-3

*Sincerely,
Ann Cerniglia*

Response to Letter I411 (Ann Cerniglia, April 14, 2010)

I411-1

The comment expresses concerns about noise, vibration, and visual impacts. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

I411-2

Comment acknowledged. See Standard Response 6.

I411-3

Please see Response to Comment L022-1.

Comment Letter I412 (Hinda G. Sack, April 25, 2010)

Kris Livingston

1412

From: hindas2@gmail.com
Sent: Sunday, April 25, 2010 6:13 PM
To: HSR Comments
Subject: addendum to comments to CHSRA
Attachments: addendum to comments to CHSRA.doc



Attached: addendum to comments to CHSRA

Message from hindas2@gmail.com:
 Please see the attached doc.

Google Docs makes it easy to create, store and share online documents: spreadsheets and presentations.



addendum to comments to CHSRA

One of the issues that the revised EIRs addresses is the concern of the impacted neighborhoods that the HST will be perceived as disconnecting the neighborhoods along the ROW. This is a reasonable concern. The language in the document implies that this "perception" can be mitigated by an aerial structure. The logic of this is unfathomable to me as a very tall soundwall will be necessary to mitigate the noise emanating from such an aerial structure as frequent trains pass by at 120mph.

I412-1

I consider it somewhat demeaning on the part of the CHSRA to refer to the communities' concern as a "perception", as if it were not a real issue.

I live on Park Boulevard. I am close to West Meadow across the street from homes that back up onto the ROW. This is the reality as I see it. If an elevated structure brings the HST and Caltrain and UP along the Caltrain ROW, I will be unable to invite guests to my home to enjoy time in my back yard or in the park down the street (Robles Park). I will not be able to have my grandchildren sleepover at my home or nap when they come to visit. I will not be able to have a bridge party in the afternoon, or have friends for drinks in the late afternoon without everyone straining to be heard over the noise of the frequent trains.

I412-2

I will definitely be cut off from my community. This is not a perception but a reality. Both the construction and operational phases will cut me off from family and friends alike. No one will want to visit. I will hesitate to invite anyone here to share my misfortune and discomfort.

I412-3

No, my location isn't "perfect". I can hear the Caltrain bells and whistles. But they are infrequent enough to fade into the background most of the day. When I moved here, only 5 years ago, I anticipated living here the rest of my life. Should the HSR come through on an aerial structure with ugly catenary towering above, I will have to leave. At great sacrifice, both physical and financial, I will have to leave if I am going to maintain connections with friends and family.

I412-4

The EIR document fails to address this issue. Please indicate how you will mitigate against these conditions that will make my neighborhood a no mans land, a place only for those who have nowhere else to be.

Hinda G. Sack
 4104 Park Blvd.
 Palo Alto, Ca 94306

Response to Letter I412 (Hinda G. Sack, April 25, 2010)

I412-1

See Response to Comment 1017-4. See also Standard Response 5.

I412-2

See Standard Response 3.

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs.

I412-3

See Response to Comment 1017-4.

I412-4

This comment is conclusionary in nature. See specific responses above.

Comment Letter I413 (Juan Martinez, April 18, 2010)

Kris Livingston

From: HighSpeedRail@Burlingame.org
Sent: Sunday, April 18, 2010 3:55 AM
To: IT-Jackson, Sid; PW/ENG-Gomery, Jane; PW/ENG-Morimoto, Art; HSR Comments; prp@caltrain.com
Subject: FW: let's overturn proposition 1A (HSR)

From: Juan Martinez[SMTP: JUANRMARTINEZ@GMAIL.COM]
Sent: Sunday, April 18, 2010 3:54:35 AM
To: HighSpeedRail@Burlingame.org
Subject: let's overturn proposition 1A (HSR)
Auto forwarded by a Rule

Please refer to this article:
<http://anaheimhighspeedrail.blogspot.com/2010/03/ab-2121-and-modesto.html>

I413

Anaheim High Speed Rail: AB 2121 and Modesto

Page 1 of 4

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ANAHEIM HIGH SPEED RAIL

THIS IS A LOCAL INFORMATION CLEARINGHOUSE FOR THE ANAHEIM TO LOS ANGELES SEGMENT OF CALIFORNIA'S HIGH SPEED RAIL PROJECT.

TUESDAY, MARCH 30, 2010

AB 2121 and Modesto

In a post over at the Examiner, <http://www.examiner.com/x-33454-Modesto-Railroad-Examiner-y2010m3d25-Effort-afoot-to-derail-California-high-speed-train-project> we had someone making false claims about what HSR will and will not do for the State. Since the Examiner limits their comments to 1000 characters (unlikely for one of my rants) I will post a reply here.

Mr. Patterson,

I am afraid I must take issue with your views on high speed rail, and I would like to explain why Harkey's AB2121 makes far more sense than continuing to pour scarce resources down the bottomless pit of high speed rail.

Prop 1A was passed by voters, based upon the false premises embedded in AB3034. Among those were that the Bond debt would be California's only financial investment, no operating subsidy would be allowed, and that the project would get cars off the road, improve the environment, and apparently do anything short of curing baldness. Those promises have now been shown to be unattainable by the High Speed Rail Authority and its contractors.

You say that this is the "perfect time to invest", but the perfect time to invest is not when you are facing bankruptcy and foreclosure-the perfect time to invest is when one has disposable income to spare. You would be foolish as an individual to put the mortgage money into an investment, trusting it to pay off the bill, and the State of California is equally foolish to use money they should budget for schools and basic services, to pay for a luxury train service that our own LAO reports does not deliver on its promises.

REASON TV ON HSR

Reason TV on High Speed Rail

CHSRA POWER POINT FROM 1-20-2010 MEETING

http://www.cahighspeedrail.ca.gov/images/chsr/20100201133927_HSRAnaheimOHPPT_withpostmeetingslides.pdf

CALIFORNIANS ADVOCATING RESPONSIBLE RAIL DESIGN

<http://www.calhsr.com/>

I413-1

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AB 2121 and Modesto

Anaheim HSR and CNN

<http://anaheimhighspeedrail.blogspot.com/2010/03/ab-2121-and-modesto.html>

4/20/2010

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Comment Letter I413 - Continued

Anaheim High Speed Rail: AB 2121 and Modesto

Page 2 of 4

Your claim that deficit spending to finance infrastructure programs during down economic times is also based on false beliefs. On May 9, 1939, Henry Morgenthau Jr., Secretary of the Treasury under FDR and Roosevelt's best friend, admitted to the House Ways and Means Committee that, "We have tried spending money. We are spending more than we have ever spent before and it does not work. And I have just one interest, and if I am wrong...somebody else can have my job. I want to see this country prosperous. I want to see people get a job. I want to see people get enough to eat. We have never made good on our promises...I say after eight years of this administration we have just as much unemployment as when we started...and an enormous debt to boot!"

Is that the deficit spending you would condemn us to? Because even the purveyors of Depression Era alphabet soup projects had to admit it does not work. In addition, you refer to the "hundreds of jobs" produced by HSR. The HSRA's own estimates peg the cost of this thing at \$43 billion dollars (that is billion with a B) so that is a LOT of money per job. And since we know that a cost estimate for government projects is about as accurate as an Iranian vote count, some in the private sector have estimated this to cost us \$80 to \$100 billion before it is done! And just to add to the cost, the guys in charge of this project, the ones who have ALREADY collected hundreds of millions of our dollars without laying a single rail, just studying this boondoggle, well they would be Parsons Brinkerhoff, the same people responsible for the "Big Dig" in Boston. Go ahead, google that and see how bad that project is in the hole, and ask yourself if that is the "jobs project" you want to see in California. How many jobs will be generated for Californians? Well if we are lucky there will be some short term jobs digging ditches and pouring concrete, jobs we will then pay for in perpetuity through Bond repayment and operating subsidy for a line that does not pay for itself. The rest of the money will be shipped overseas, to the companies who will operate this, because American companies are not in the High Speed Rail business. They are in Europe and Asia, even Parsons Brinkerhoff is a British company.

You think this project will get cars off the freeway, but transit experts will tell you that most freeway trips are local and immediate regional trips, not the long distance traveler that HSR is courting. We had a meeting here in Anaheim last week, and the consultants stated that 40% of plane trips are LA/OC to SF, and it is

Confessions of a Liberal on
High Speed Rail
Where it goes and who it
drains
Parsons Brinkerhoff Gets Our
Money
Who Are We Employing?
High Speed Threats
Reason and the Unreasonable
High Speed Rail Project...
High Speed Railroadng

I413-4

I413-5

<http://anaheimhighspeedrail.blogspot.com/2010/03/ab-2121-and-modesto.html>

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Anaheim High Speed Rail: AB 2121 and Modesto

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those plane riders they are aiming at. HSR will cut about 20 minutes from the trip from Anaheim to Los Angeles, compared to Amtrak, at twice the ticket price; those trains are likely to run empty here, and as likely to meet those same obstacles up north as well. They will do little or nothing to get cars off the roads; we will be better served by upgrading the existing Amtrak system. In fact, there was an ARRA application in the works to do just that before our Guh-ve-nator put it in a desk drawer to promote the HSR application instead. Those projects truly were shovel ready, and had safety controls in them that would have prevented accidents like the Chatsworth tragedy.

I413-5
cont.

As far as HSR being "shovel ready", I can tell you that my segment of Anaheim to Los Angeles is promoted as the farthest along in the pipeline. News flash: they are designing and creating environmental studies on our line WITHOUT agreements or contracts with the transportation authorities that actually control the rail lines here. In fact, those authorities just popped off a note to Curt Pringle that the HSRA needs to go back to the drawing board and reconsider the shared use program originally designed but abandoned. That will be considered by the HSRA Board next week. In short, they are back at ground zero, so how "shovel ready" do you think this project is? No way are they going to break ground in 2012!

I413-6

In light of the fact that the High Speed Rail Authority has utterly failed to comply with their own law under AB3034, I think Diane Harkey is correct in pointing out that the emperor is indeed as naked as a jaybird, and we cannot afford to continue to fund this boondoggle. Even transportation proponents who get hot and heavy over high speed rail have called this a mistake. This is not the "opportunity for the Golden State to once again be Golden", it is instead the opportunity to ship our (borrowed at high interest rates) gold to foreign companies while we go broke even faster than before. I support Diane Harkey's AB 2121 and I would encourage you to do your homework, I will bet you support AB2121 too when you get all of the facts.

I413-7

Cynthia Ward, Anaheim CA

POSTED BY COLONY RABBLE AT 4:03 PM

<http://anaheimhighspeedrail.blogspot.com/2010/03/ab-2121-and-modesto.html>

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Comment Letter I413 - Continued

Anaheim High Speed Rail: AB 2121 and Modesto

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0 COMMENTS:

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<http://anaheimhighspeedrail.blogspot.com/2010/03/ab-2121-and-modesto.html>

4/20/2010



Response to Letter I413 (Juan Martinez, April 18, 2010)

I413-1

Comment acknowledged.

I413-2

The comment refers to a blog post statement of opinion with which the Authority disagrees. This is not a topic area identified by the Superior Court in the Town of Atherton case as needing additional CEQA work.

I413-3

Comment acknowledged.

I413-4

Comment acknowledged.

I413-5

On the contrary, HST service will attract some long-distance trips from major roadways thereby leading to an overall improvement in traffic conditions in the region.

I413-6

A judgment as to the readiness of segment of HST in Southern California for construction is well outside the scope of this Program EIR dealing with HST issues in Northern California.

I413-7

Comment acknowledged.

Comment Letter I414 (Joe Freese, April 19, 2010)

Kris Livingston**I414**

From: joe freese [jofre13@yahoo.com]
Sent: Monday, April 19, 2010 8:36 PM
To: HSR Comments
Subject: High-Speed Rail

The concerns over high-speed trains racing down the San Francisco Peninsula are foundless.

When leaving the stations in Paris, the French TGVs travel at normal speeds on the regular train tracks. It is not until they clear urban areas and get to dedicated rails that they travel at their maximum speeds. Using this idea, high-speed trains leaving San Francisco could use the existing tracks and travel at the same speed as CalTrain. They would then travel at their full speed when they get to their dedicated rails.

I414-1

Perhaps if this were brought to the attention of those concerned about high-speed trains on the Peninsula, it would lessen their objections.

Joe Freese

Response to Letter I414 (Joe Freese, April 19, 2010)

I414-1

Comment acknowledged. While TGVs do leave Paris on the regular rail network until they diverge to their own high speed tracks, they run on express tracks on the normal network. Following Caltrain, HST could be subject to local trains stopping at multiple stations unless additional tracks were built to allow local Caltrain service to stop at stations off express tracks. See Standard Response 10.

Comment Letter I415 (Joyce Cali, April 8, 2010)

I415

Kris Livingston

From: joyce cali [joycecali01@yahoo.com]
Sent: Thursday, April 08, 2010 7:26 AM
To: HSR Comments
Subject: High Speed Rail

I wanted to add my voice to the debate on high speed rail in California. This has been voted on by a majority of voters and approved. I hear all the time about the wonderful rail service in Europe and other counties. Those same people will say here "not in my backyard". It is past time to do something good for California and our country. Improvements to our rail system is vital. I use trains all the time and love them. I hope you will not be deterred by a small number of voices complaining. Find a way to do this and get started.

Joyce Cali

I415-1

Response to Letter I415 (Joyce Cali, April 8, 2010)

I415-1

Comment of support is acknowledged.

Comment Letter I416 (Galen, April 8, 2010)

I416

Kris Livingston

From: galen [denzen@umich.edu]
Sent: Thursday, April 08, 2010 9:46 AM
To: PA City Council; PA Patriot
Subject: Re: [Palo_Alto_HSR] How you can support AB 2121 (to cancel the HSR project)

wrote:

> I received this note today from Sharon K. Gonsalves, Capitol Director, Office of Assemblywoman Diane Harkey:

> "In order to support AB 2121 I would urge you to write letters to the committee members. I would also recommend that you come to the committee hearing if you can on April 19. I would like to see a large number of people show up to the hearing who are opposed to high speed rail. I am expecting the democrats to have a large number of union and labor folks to oppose our bill. We can counter that by having as many residents who are adversely affected by HSR show up to the hearing.

I416-1

> I would also recommend bombarding their offices with phone calls."

> Members of Assembly Transportation Committee (some ph #'s are missing):

> Office of Assemblyman Mike Eng
 > State Capitol, room 4140
 > Sacramento, CA 95814
 > (916) 319-2049

> Assemblyman Kevin Jeffries
 > State Capitol, Room 5128
 > Sacramento, CA 95814
 > (916) 319-2066

> Assemblyman Bill Berryhill
 > State Capitol, Room 4009
 > Sacramento, CA 95814

> Assemblyman Bob Blumenfield
 > State Capitol, Room 6011
 > Sacramento, CA 95814

> Assemblywoman Joan Buchanan
 > State Capitol, Room 4167
 > Sacramento, CA 95814

> Assemblyman Warren Furutani
 > State Capitol, Room 3126
 > Sacramento, CA 95814

> Assemblywoman Cathleen Galgiani
 > State Capitol, Room 5155
 > Sacramento, CA 95814

> Assemblywoman Bonnie Lowenthal
 > State Capitol, room 5158
 > Sacramento, CA 95814

1

> Assemblyman Jeff Miller
 > State Capitol, Room 3147
 > Sacramento, CA 95814

> Assemblyman Roger Niello
 > State Capitol, Room 4139
 > Sacramento, CA 95814

> Assemblyman Chris Nordby
 > State Capitol, Room 5126
 > Sacramento, CA 95814

> Assemblyman Jose Solorio
 > State Capitol, room 2013
 > Sacramento, CA 95814

> Tom Torlankson
 > State Capitol, Room 5160
 > Sacramento, CA 95814

> Sharon K. Gonsalves
 > Capitol Director
 > Office of Assemblywoman Diane Harkey
 > Phone (916) 319-2073
 > Fax (916) 319-2173
 > sharon.gonsalves@asm.ca.gov
 > www.assembly.ca.gov/harkey

2

Response to Letter I416 (Galen, April 8, 2010)

I416-1

The comment appears to identify support for AB2121, sponsored by Assemblywoman Diane Harkey. As of July 2010, the bill would require the Authority to provide specified annual reporting to the Legislature. Comment noted.

Comment Letter I417 (Susan Lempert, April 11, 2010)

Kris Livingston

I417

From: Susan Lempert [babalulempert@gmail.com]
Sent: Sunday, April 11, 2010 5:12 PM
To: HSR Comments
Subject: hsr on peninsula

just a fan note to say we need HSR. CalTrain needs HSR. The State of California needs HSR. So does
northern California and the Peninsula. Keep it going. sue lempert

I417-1

Response to Letter I417 (Susan Lempert, April 11, 2010)

I417-1

Comment of support is acknowledged.

Comment Letter I418 (Mikhail A. Rakov, April 2, 2010)

I418

Kris Livingston

From: Mikhrak@aol.com
Sent: Friday, April 02, 2010 2:42 PM
To: HSR Comments
Cc: plandiv.info@cityofpaloalto.org
Subject: High speed rail

I am absolutely **against** the project of high speed rail and consider methods of HSRA incompatible with the norms of democratic society. Mikhail A. Rakov, D. Sci., Professor. | I418-1

Response to Letter I418 (Mikhail A. Rakov, April 2, 2010)

I418-1

Throughout the democratic world, HST has been implemented and successful. The Authority has Memorandums of Understanding with many of the countries with HST development and operational experience and utilizes their expertise in planning the California HST. Additionally, the electorate of the State of California voted in favor of the HST in November of 2008.

Comment Letter I419 (Jay W. Penn, April 15, 2010)

I419**Kris Livingston**

From: Jay W. Penn, CPA [jaywpenn@gmail.com]
Sent: Thursday, April 15, 2010 3:32 PM
To: HSR Comments
Subject: Attn: Dan Leavitt

Mr. Leavitt,

I'm writing this letter to express my concern about the proposed high speed rail project. I've followed the recent developments and see the project as a huge financial gamble for a state that is already in dire financial straits. Why do we think that this project will somehow be any different than other projects when it comes to projected costs? Where will the money come from? The ridership estimates also seem wildly optimistic. Who will bear the burden if the riders don't materialize? The obvious winners in this deal seem to be the politicians and the developers at the expense of the people.

I419-1

I419-2

The project also seems to be benefitting from a lack of understanding and awareness by the people vs. a groundswell of popular support that should accompany such a project. Now that I am aware of what is happening I will be actively enlightening my fellow citizens and beg that the voices of the people don't fall on deaf ears. When this project was initially voted on by the people, the economy and the mood of the voter was much different. I sincerely believe that this mood has changed and politicians and bureaucrats that support this kind of financially irresponsible behavior will be held accountable going forward.

I419-3

I welcome your comments and or rebuttal to my assertions.

Sincerely,

Jay W. Penn

Jay W. Penn, CPA
jaywpenn@gmail.com
Office 650-579-2638
Mobile 415-317-1742
Fax 415-983-2447

Response to Letter I419 (Jay W. Penn, April 15, 2010)

I419-1

Please see Standard Response 8 for information on the Business Plan regarding funding. The costs for the project are updated regularly and are estimated using accepted procedures and assumptions.

I419-2

We disagree that the ridership forecasts are "wildly optimistic." The ridership and revenue modeling and resulting forecasts provide an appropriate tool for the environmental analysis for which it has been used. See Standard Response 4.

I419-3

The 2005 Statewide Program EIR identified alternatives to meet the mobility goals of the state of California in the year 2020. The alternative to continue to rely on piecemeal expansion of airports and highways (the Modal Alternative) proved more costly and environmentally damaging than the HST alternative. Based on that analysis, the implementation of a statewide HST system is the responsible solution.

Comment Letter I420 (Pat Rooney, April 15, 2010)

I420

.rvingston

From: pat rooney [patrooney@gmail.com]
Sent: Thursday, April 15, 2010 5:21 PM
To: HSR Comments
Subject: "San Francisco to San Jose Section Preliminary Alternatives Analysis Report Comments"

Seeing as how the State has no money and the Feds have no money, how do you plan to build this thing? It will work as well as AmTrac does and loose as much money as well. Maybe even more as it will depend on locals (meaning people in Ca.) to support it. You can put me down as a negative for this dream thing. Pat Rooney

I420-1

Response to Letter I420 (Pat Rooney, April 15, 2010)

I420-1

Please see Standard Response 8 for information on the Business Plan regarding funding. The HST plan is not replicating Amtrak. Over 45 years in many countries around the world, HST has repeatedly proven its ability to cover its operating costs and return an operational profit (passenger revenues exceed operational and maintenance costs).

Comment Letter I421 (Jim Coffman, April 2, 2010)

Kris Livingston**I421**

From: jim coffman [jimcoffman@yahoo.com]
Sent: Friday, April 02, 2010 12:48 PM
To: HSR Comments
Cc: president@porac.org; president@csfa.net
Subject: Public Safety on the High Speed Rail

Dear HSR,

I wonder if you have considered and factored-in the costs of policing, firefighting, rescue, and other public safety services needed on the HSR. The right of way will run almost 3/4 of the entire state.

What police agency will handle law enforcement services on the rolling stock, right of way and related property? If it is a new, dedicated agency, have those costs been included. If the CHP, as a state police agency, takes jurisdiction, has expansion and costs for this been considered? If each local law enforcement agency is expected to investigate crimes and collisions, provide anti-terrorism security, and other related matters, are those agencies going to be reimbursed for this added burden? Will the federal AMTRAK Police have jurisdiction or will it be the various railroad police agencies whose tracks are being used?

I421-1

How are fires to be fought, emergencies planned for and training provided? Even using the more reasonable expectations of ridership there will be increased chances of injury and illness where local paramedic rescue services will be required. Are those costs to be reimbursed?

Even if, in a short sighted attempt to cut costs, a private security firm is hired, professional public safety personnel will certainly have to be called upon to handle incidents on HSR. In the larger scheme of such a major construction project, these added costs may pale, however in these days of public safety being cut because of budget concerns, the additional burden of HSR through the many local governmental jurisdictions, without reimbursement, will have a significant impact on scarce resources.

Response to Letter I421 (Jim Coffman, April 2, 2010)

I421-1

Comment acknowledged. The potential need for additional public services that may create environmental impacts is beyond the scope of the Program EIR. The Authority would build upon the extensive experience of HST operations in other countries. Future HST Operations Plans will include emergency response measures. FRA regulations also address safety concerns, and this system would comply with those regulations. A more detailed review of the safety impacts of the HST system will be performed during the preliminary engineering and project-level environmental review.

Comment Letter I422 (James W. Martini, April 2, 2010)

Kris Livingston

I422

From: James Martini [martinij@pacbell.net]
Sent: Friday, April 02, 2010 3:53 PM
To: HSR Comments
Cc: plandiv.info@cityofpaloalto.org
Subject: California High Speed Rail

Neither California nor California taxpayers can afford the California High Speed Rail Authority's plan.

I422-1

Too expensive! Not well thought out.

James W. Martini

Response to Letter I422 (James W. Martini, April 2, 2010)

I422-1

Please see Standard Response 8 for information on the Business Plan regarding funding. The Authority disagrees that the many years of planning and analysis that has gone into the HST project to date is "not well thought out".

Comment Letter I423 (Stephen Rosenblum, March 13, 2010)

I423

Kris Livingston

From: Steve Rosenblum(pol1) [pol1@rosenblums.us]
Sent: Saturday, March 13, 2010 9:40 AM
To: HSR Comments
Subject: Fw: California High Speed Train Update


I have read the revised EIR draft for the Central Valley to San Jose section and am appalled by the uncooperative attitude of UPRR on the joint use of its right of way in this corridor. I would urge the HSR to pursue eminent domain action against the railroad to acquire the rights of way rather than subject other smaller and more vulnerable property owners to the expropriation of their property. I am also concerned about the fact that the UPRR tracks would continue to require at grade crossings which create safety hazards and traffic barriers in the areas where they exist. UPRR should be required to replace all at grade crossings with grade separated crossings in any case. The railroads were given the land they hold by the government of the U.S. and the people of this country are entitled to determine the highest and best use of this resource, not the greedy executives running the UPRR. The bond to develop HSR was passed by a vote of the people of California, clearly demonstrating their desire for this transit network, I would be surprised if anyone would be interested in voting to support UPRR's freight activities. Finally, in order to reduce the visual and noise impact of HSR in San Jose, HSR should make much more use of trenching and tunneling for the tracks. This is desirable in an urban area such as San Jose and would allow re-use of the real estate above the tracks, providing an offset to the costs of tunneling or trenching as well as reducing the need for acquiring more real estate for the right of way in a very expensive real estate market area.

Stephen Rosenblum

----- Original Message -----
From: Peninsula Rail Program
To: pol1@rosenblums.us
Sent: Friday, March 12, 2010 3:51 PM
Subject: California High Speed Train Update


You're receiving this email because of your relationship with the California High Speed Rail project. Please [confirm](#) your continued interest in receiving email from us.

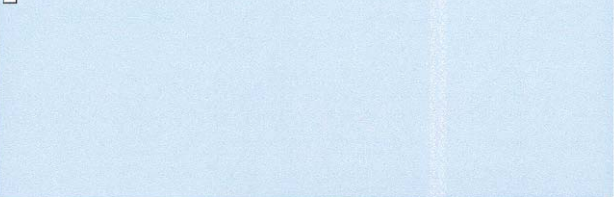
You may [unsubscribe](#) if you no longer wish to receive our emails.



Revised Draft Program EIR

March 2010





In This Issue


Revised Draft Program EIR Public Comment Period

Quick Links

CALIFORNIA HIGH-SPEED TRAIN UPDATE

The California High Speed Rail Authority wanted to let you know that the 45-day public comment period has begun on the "Bay Area to Central Valley Revised Draft Program

1



California High-Speed Rail Authority

Caltrain

Environmental Impact Report" (which is available at www.cahighspeedrail.ca.gov/library), as part of the environmental review process for California's high-speed train project.

The California High-Speed Rail Authority in 2007 released the Bay Area to Central Valley High-Speed Train Program Environmental Impact Report/Environmental Impact Statement (EIR/S) that examined the environmental impacts of the proposed high-speed train system connecting the San Francisco Bay Area and Central Valley regions, within the broad corridor between and including the Altamont Pass and Pacheco Pass. The Authority certified the Final Program EIR in July 2008 and selected the Pacheco Pass Alignment Alternative serving San Francisco via San Jose as the preferred network alternative to connect the high-speed train between the Bay Area and the Central Valley. The Authority also selected preferred alignments and station locations to advance for further study in second-tier, project EIR/EISs.

A legal challenge filed in August 2008 resulted in a ruling by a California Superior Court that the Authority's Final Program EIR was sufficient in most respects, however corrective work was necessary in certain areas. The Authority set aside its July 2008 decision and is now taking steps to comply with the court's ruling. The Authority conducted additional analysis and prepared necessary revisions to the Final Program EIR in accordance with the court's ruling.


How You Can Comment

The revised material is being circulated for public and agency comment for 45 days beginning March 11, 2010 and ending at 5 p.m. April 26, 2010. In accordance with California Environmental Quality Act (CEQA) Guidelines, the Authority requests that reviewers limit the scope of their comments to the revised materials contained in the Revised Draft Program EIR.

Comments on the Revised Draft Program EIR Material can be sent to the California High-Speed Rail Authority in three ways under the subject line "Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments":

1. U.S. Mail: 925 L Street, Suite 1425 Sacramento, CA 95814, Attention: Dan Leavitt
2. Email: comments@hsr.ca.gov

2



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Comment Letter I423 - Continued

3. Fax: 916-322-0827

Public Meetings
The Authority will host two public meetings to accept comments on the Revised Draft Program EIR:

Wednesday, April 7, 2010

- **10:am to 12:00pm - Sheriff's Auditorium** 55 West Younger Street, San Jose, CA 95110
- **5:00pm to 7:00pm - Board of Supervisors Chambers** 70 West Hedding Street, San Jose, 95113

Visit the California High-Speed Rail Authority's Web Site www.cahighspeedrail.ca.gov to:

- View and download the Revised Draft Program EIR
- Request a printed copy of the Revised Draft Program EIR
- Locate a library near you to review a copy of the Revised Draft Program EIR

Please call the Authority at (916) 324-1541, or check the California High-Speed Rail Authority's Web Site www.cahighspeedrail.ca.gov for more information.

Email us:
prp@caltrain.com

Forward email

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Peninsula Rail Program | 799 Seventh Street | San Francisco | CA | 94107

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Response to Letter I423 (Stephen Rosenblum, March 13, 2010)

I423-1

Comment acknowledged. See Standard Response 9.

I423-2

See Standard Response 10 regarding vertical profile alternatives.

Comment Letter I424 (Angelyn Blanchard, March 15, 2010)

I424

Kris Livingston

From: Angelyn Blanchard [acbkeys@earthlink.net]
Sent: Monday, March 15, 2010 9:28 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR Material Comments

To Whom it may concern:

The Public Notice was sent to my late husband, Bob Blanchard. As he is no longer with us, I424-1
would you kindly please remove his name from your mailing list, or forward this note to the
appropriate person or department to do so.

Thank you,

Angelyn Blanchard

Response to Letter I424 (Angelyn Blanchard, March 15, 2010)

I424-1

The mailing list will be updated with the requested deletion.

Comment Letter I425 (Lawrence Kahn, March 25, 2010)

I425

Kris Livingston

From: lkahn@dslextrreme.com [lkahn@dslextrreme.com]
Sent: Thursday, March 25, 2010 10:40 AM
To: HSR Comments
Subject: Comments

Are you taking comments? What, exactly, is the method of filing comments? | I425-1

I voted against high-speed rail because once a person gets to Los Angeles, what happens next - why, that person rents a car, of course. | I425-2

The second reason I question the whole project is that the promised JOBS are temporary, and if history teaches us about such things, the work will go to out-of-state contractors. | I425-3

I am particularly concerned about plans to reduce Monterey highway by one lane. A truly awful idea. | I425-4

Lawrence Kahn
 Newark CA

Response to Letter I425 (Lawrence Kahn, March 25, 2010)

I425-1

The process for submitting comments on the 2010 Revised Draft Program EIR Material was identified in the notices circulated by the Authority. The commenter successfully submitted comments through the website.

I425-2

High Speed Rail will provide connectivity with Caltrain and several other transit agencies operating in the corridor as shown in Table 3.1-4 of the Bay Area to Central Valley HST Program EIR/EIS.

I425-3

See Standard Response 6.

I425-4

Comment noted. The need to use the Monterey Highway corridor originated because UPRR has stated its unwillingness to allow use of its right-of-way. The proposal to reduce Monterey Highway from six to four lanes for the purpose of accommodating the proposed HST project is supported by both the City of San Jose and Caltrans. Detailed traffic analysis at the project-level EIR/EIS will evaluate the impacts due to reduction in lanes of Monterey Highway. Future traffic operations on Monterey Highway and any other affected roadways will be evaluated to determine the potential traffic impacts due to the proposed modification of the highway. The traffic impact analysis study will also evaluate permanent and construction-related (temporary) impacts to affected roadways, intersections, parking, pedestrian and bicycle facilities. Feasible mitigation measures will also be discussed at the project-level.

Comment Letter I426 (Kirsten Flynn, April 26, 2010)

I426

Kris Livingston

From: Kirsten Flynn [kir@sustainablehome.com]
Sent: Monday, April 26, 2010 3:11 PM
To: HSR Comments
Subject: I strongly support HSR

Dear Sir or Madam,

I am a San Francisco Peninsula resident, and have lived here all my life. I live 2 blocks from the current CalTrain corridor, have frequently commuted via their service during my working life. I strongly support High Speed Rail up the Peninsula, along the Bay or along the East shore of the San Francisco Bay. I support it even though I will be affected by construction along these tracks. Basically I think that HSR is essential for the economic and environmental integrity of the great state of California. The only option I do not support is not building it!

I426-1

Many of the objections come from the size and scale of the tracks through the Peninsula. I believe gaining acceptance to development is possible with a engaged design process, and careful design decisions. I also hold that the benefits to the state's economy far outweigh the problems.

I426-2

As a life long resident of the Peninsula I have seen many negative effects, aesthetic and environmental, of car based transportation and development policies. I have seen orchards fall, the agricultural way of life disappear, and open space between towns filled in with sprawl. This is one of the reasons I support rail. Rail encourages node centered development, with a great deal of density around the node, a station stop, and very little along the line. Compare the endless mall; Target, Safeway, Joannes Fabrics, after Target, Safeway and Home Depot, along any major highway, to the pristine views along the Amtrack Coast Starlight.

I426-3

Finally, era of an endless supply of cheap fuel to fly, truck or drive between destinations is over. Leading the way in developing a more efficient, less carbon based transportation system will allow California to thrive, while other states are only reacting to fuel shortages. Long distance passenger rail emits .35 lbs CO2 per passenger mile, air travel creates .53 lbs. If HSR offers a valid alternative to flying, it will have a strong effect on our state's carbon emissions.

I426-4

I care about this great and beautiful state, and about it's long term future. This, more than any other factor, leads me to support High Speed Rail.

I426-5

Kirsten Flynn
 Designer
 Sustainable Home
 Sustainablehome.com

Response to Letter I426 (Kirsten Flynn, April 26, 2010)

I426-1

Comment of support is acknowledged.

I426-2

Comment acknowledged. The project-level environmental clearance process which includes detailed design development will utilize a community engaged process.

I426-3

Comment acknowledged.

I426-4

Comment noted. No response necessary.

I426-5

Comment of support is acknowledged.

Comment Letter 1427 (Kevin Chambers, April 23, 2010)

Kris Livingston

1427

From: Kevin Chambers [kec67@yahoo.com]
Sent: Tuesday, April 27, 2010 8:25 AM
To: HSR Comments
Subject: Bay Area-Central Valley EIR Comments
Attachments: EIR COMMENTS2-1.doc

Please see attached.

April 23, 2010

California High Speed Rail Authority
 Attn: Dan Leavitt, Deputy Director
 925 L Street, Suite 1425
 Sacramento, CA 95814

Subject: Bay Area to Central Valley Revised Draft Program-Level EIR Material Comments

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the California High Speed Rail Authority's March 2010 Bay Area to Central Valley High-Speed Train Revised Draft Program EIR Material. The California HST project will have a long-lasting and far-reaching impact on the City of Gilroy. I have reviewed the Revised Draft Program EIR and have the following comments:

1427-1

A. General Comments and Process:

A.1 Public Meetings

Comment A.1-1. - No scoping sessions or public meetings were held anywhere between San Jose and Merced for the Revised Draft Program EIR. South County cities were also not included in the Outreach before the Second Draft Program EIR/EIS process. The failure of the California High-Speed Rail Authority (CHSRA) to solicit comments from communities along the South County corridor during the scoping process, the EIR/EIS public review process, or the Revised Draft Program EIR process violates the public review requirements of the California Environmental Quality Act (CEQA), and renders the current Revised Draft EIR inadequate.

1427-2

A.2 Significant New Information

Comment A.2-1 - Significant new information exists, under many environmental parameters that makes the earlier Program EIR/EIS invalid and requires a recirculation of the Program EIR/EIS, as well as recirculation of the Revised Program EIR.

1427-3

Comment A.2-2 - The ridership and revenue modeling used for the analysis and alternatives comparison is flawed, particularly given the new information provided in the 2009 Business Plan update and the substantial shifts in the economy since the forecasting was last completed. The ridership models need to be revised to provide a more accurate forecast of ridership.

1427-4

Comment A.2-3 - New information on project impacts and alternatives is being discovered during the project-level environmental review for the San Francisco to San Jose and San Jose to Merced segments. This new information may indicate new or increased impacts, and new feasible alternatives or mitigation measures. The new information needs to be presented and analyzed in a revised and recirculated environmental document.

1427-5

Comment A.2-4 - The recently announced project to conduct a seismic retrofit of the State Route 92 San Mateo bridge opens the possibility of placing a HST crossing in conjunction with rebuilding the bridge. The environmental document needs to be revised and recirculated to incorporate the alignment alternatives provided by this seismic retrofit project.

1427-6

Comment A.2-5 - The need to evaluate impacts from Union Pacific Railroad's (UPRR) recent refusal to share it, ROW opens up the possibility of considering new alternative alignments for not only the Pacheco Pass alignments but also the Altamont Pass alignments, including an Altamont Pass alignment that would run along State Route 84 through the East Bay rather than along the UPRR ROW.

1427-7

Comment Letter I427 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 2 of 4

A.3 Limiting Scope of Comments to the Revised Draft Program EIR Inappropriately Limits the Analysis

Comment A.3-1 - Limiting the scope of comments to the Revised Materials is inappropriate if the original analysis was flawed.

A.4 Inappropriate Listing of Supporters and Opponents

Comment A.4-1 - It is inappropriate to list the agencies and organizations who support, or have expressed concern over, the selection of the Preferred Alternative (Sections 7.3.2 and elsewhere) in the document.

B. Environmental Impacts and Mitigation Measures:

B.1 General Comments

Comment B.1-1 - The document fails to disclose or adequately analyze the project's potential land use and transportation impacts associated with the use of the shared Caltrain/UPRR ROW between San Francisco and San Jose, and the UPRR ROW from San Jose to Gilroy. Perhaps more importantly, the document fails to discuss the potential necessity of locating the project alignment away from either segment of this ROW, particularly in the San Jose to Gilroy segment where the UPRR owns and controls the corridor. The potential need for a new project alignment in these areas necessitates a revised analysis of project impacts.

Comment B.1-2 - The impact discussion focuses on a corridor 50 feet to either side of the existing corridor or 50 feet to either side of the centerline of the new HST alignments. The analysis should focus on a wider corridor for impacts. Some impacts, such as noise, can have a significant effect several hundred or even several thousand feet away from the project corridor. The impact discussion should be revised to use appropriately sized impact corridors as appropriate for each specific impact, with no corridor narrower than 500 feet to either side of the proposed HST corridor.

Comment B.1-3 - The document uses the terms "exclusive guideway" and "shared guideway", but does not define these terms. The document further concludes in a cursory and conclusory manner that "exclusive guideway" alternatives should be rejected, and that a "shared guideway" alternative should move forward for analysis. This conclusion is inappropriate given that UPRR has stated opposition to sharing their corridor.

B.2 Aesthetics and Visual Impacts

Comment B.2-1 - The Revised Program EIR fails to address a number of issues related to aesthetics and visual impacts. Many of the proposed project elements (such as an elevated railway, overhead wires, sound walls, and transmission lines) would likely have a significant visual impact, and these impacts are neither fully addressed nor sufficiently mitigated.

Comment B.2-2 - The document fails to address the visual impacts of elevated structures and the associated 45 miles of sound walls proposed as mitigation for noise effects. These structures would represent a significant change to the visual character of the corridor. The document also fails to address the shade and shadow impacts of these proposed elevated

Mr. Dan Leavitt
April 23, 2010
Page 3 of 4

structures and sound walls. The sound walls as proposed are inadequate to mitigate the project's noise impacts, and will likely need to be made even taller, which would have a corresponding increase in impacts on aesthetics.

Comment B.2-3 - The document fails to address how any new vehicle or pedestrian overpasses would affect the visual environment. Such structures would be significant new elements in the visual landscape, and their visual impacts need to be addressed in the EIR.

C.3 Agriculture

Comment C.3-1 - Direct impacts to agricultural resources would occur if the HST alignment and associated infrastructure (substations, utility lines, etc.) needed to pass through lands that are currently in agricultural use. The document fails to adequately address the loss of prime agricultural land, particularly if the proposed ROW must be relocated away from the UPRR ROW within the San Jose to Gilroy corridor. This relocation could be necessitated by UPRR's refusal to share a ROW with the HST system.

C.4 Biological Resources

Comment C.4.1 - Statements such as those on page 7-13 (second paragraph, lines 4-7) ... "That the preferred alternative to San Francisco would have slightly less potential impacts on wetlands (15.6 ac vs. 17A ac), waterbodies (3.8 ac vs: 4.5 ac), and streams (20,276 linear ft. vs. 21,788 linear ft), but would have slightly more potential impacts on floodplains (520.6 ac VS. 477.5 ac) and species (plant and wildlife) ... " are not very helpful without knowing something about the current quality, trends, susceptibility, and other threats (cumulative or otherwise) to these resources. An attempt to look at these from a landscape point of view should be considered. Just providing disturbed acreage estimates can be very misleading, and could support or lead to incorrect conclusions about the comparative severity of impacts between alternatives.

Comment C.4.2 - It is a mistake to equate only miles of disturbance with environmental impacts: For example, on page 7-15, second paragraph, lines 5-8, the document states, "However, this alternative has greater environmental impacts ... since it requires nearly 38 additional miles of HST alignment to be constructed along the east bay" and repeats this statement on page 7-15, third paragraph, lines 5-7. The severity of the environmental impact depends on what biological resources are encountered in those 38 additional miles, and what is encountered in the original alignment before the 38 miles are added on. Similarly, the impacts depend on the nature/severity of the impacts encountered. One significant impact in a short stretch of alignment would have more weight than several, or indeed many, less than significant impacts in a longer stretch of alignment.

Comment C.4.3 - The document perpetuates a common error in only considering threatened and endangered species (T&E species). EIRs and EISs are not environmental compliance documents. They are environmental impact assessment documents. Yet there is no consideration of the potential for impacts to many non-T &E species, especially keystone species, particularly in terms of habitat loss and fragmentation.

Comment C.4.4 - The document does not address the wide-ranging effects of air and water emissions (pollution) and noise on biological resources, particularly wildlife and their critical habitat. The harmful effects of pollution have contributed to the listing of numerous species under the Endangered Species Act, yet the document focuses on the direct impacts associated

Comment Letter I427 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 4 of 4

with the loss of habitat. Habitat fragmentation and degradation are not addressed. The indirect effects of air, water, noise, and other emissions, even if they meet regulatory and/or permit thresholds, are ignored. Not all habitats are of equal importance. Certain habitats disproportionately contribute to ecosystem functioning and are analogous to keystone species. Even non-keystone habitats vary in quality with very different functional value. These nuances are ignored or overlooked, and should be the major focus of affected environmental discussions.

I427-20
cont.

Comment C.4-5 - The document fails to address the potential loss of valuable wildlife habitat, including wetlands, particularly if the proposed right-of-way must be relocated away from the Caltrain/UPRR right-of-way anywhere along the San Francisco to Gilroy corridor. Such a relocation could be necessitated by Union Pacific's refusal to share a ROW with the HST system.

I427-21

Respectfully submitted,

Kevin Chambers
7943 Lake Rd
Hollister, ca 95023

Response to Letter I427 (Kevin Chambers, April 23, 2010)

I427-1

This comment is introductory in nature. See specific responses below.

I427-2

The Authority disagrees. South county cities have been included in noticing, scoping, and public hearings/meetings throughout the environmental process. Scoping meetings are not required at this stage of the environmental process. On December 3, 2009, the Authority approved Resolution HSRA 10-012 which rescinded the Authority's certification of the 2008 Final Program EIR, thus continuing the environmental process. Scoping meetings were held in 2005 in San Francisco, San Jose, Livermore, Oakland, Modesto, and Suisun City. See the 2008 Final Program EIR and the Preface of the Revised Final Program EIR regarding notification of the availability and public meetings for the 2005 Draft Program EIR, 2008 Final Program EIR, and the 2010 Revised Draft Program EIR Material. Public hearings were held in 2007 in San Francisco, San Jose, Livermore, Oakland, Gilroy, Merced, Stockton, and Sacramento on the 2005 Draft Program EIR.

I427-3

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I427-4

See Response to Comment I128-3.

I427-5

Comment acknowledged. Ongoing project-level work is resulting in additional, more detailed information on conditions and potential impacts in the study area. This information is being generated to support detailed project-level compliance with CEQA and NEPA and the public will have opportunity to review and comment on project-level environmental documents. Generation of detailed project-level information and analysis does not require another round of revision and circulation of the Program EIR. See Standard Response 3 regarding recirculation.

I427-6

According to Bay Area Toll Authority documents, widening of the San Mateo bridge was completed in 2003 and Caltrans completed a bridge retrofit in 2000.

I427-7

See response to comment I360-5.

I427-8

The Authority disagrees that limiting the scope of comments to the Revised Draft Program EIR Material is inappropriate. The Authority requested that members of the public focus their comments on the new information and analysis contained in the Revised Draft EIR Material and stated that the Authority's legal obligation extended to responding only to those comments related to the new materials. The Authority's request is based on CEQA Guidelines section 15088.5, applicable to situations like the current one where a lead agency must revise and recirculate only a portion of a prior Final EIR. The current EIR process is specifically intended to comply with the judgment from the Town of Atherton litigation and that judgment found that only those issues in the revised materials required further CEQA compliance.

I427-9

The May 2008 Final Program EIR summarized support for the Pacheco Pass network alternatives and the Altamont Pass network alternatives. The Revised Draft Program EIR Material included an updated version of this information based on input received through March 2010. This information was provided to the public and the decision-makers to identify the wide divergence of opinion with and the controversy over which pass for the HST system should connect the Bay Area to the Central Valley.

I427-10

The Revised Draft Program EIR Material is specifically intended to address the final judgment in the Town of Atherton litigation. The judgment required the Authority to recirculate the EIR with a revised discussion clarifying the location of HST track between San Jose and Gilroy, impacts on surrounding businesses and residences, construction impacts on Monterey Highway and impacts on UPRR use of its right-of-way and its spurs. Chapter 2 of the Revised Draft Program EIR Material clarifies that the alignment would be adjacent to UPRR right-of-way, and not within UPRR right-of-way. Chapter 2 also includes a revised land use, traffic, aesthetics and visual quality, and cultural resources analyses in light of the clarified HST track location. Chapter 3 of the Revised Draft Program EIR Material discusses the potential need for additional property if UPRR right-of-way cannot be used for the HST system. Chapter 3 notes that San Francisco to San Jose is unique because the right-of-way is owned by Caltrain rather than UPRR. Also see Standard Response 9 and response to comment letter O002 (UPRR comment letter)

I427-11

Chapter 2.2, Revised Land Use Analysis: San Jose to Gilroy, in the Revised Draft Program EIR Material and Chapter 3.7 of the May 2008 Final Program EIR discuss the analysis of land use impacts. To determine potential property impacts, the land uses within 50 ft of either side of the existing corridor or within 50 ft of both sides of the centerline for new HST alignments were characterized by type and density of development. The study area for land use compatibility, communities and neighborhoods, and environmental justice is 0.25-

mile on either side of the centerline of the rail and highway corridors included in the alignment alternatives and the same distance around station location options and other potential HST-related facilities. This is the extent of area where the alignment alternative might result in changes to land use; the type, density, or patterns of development; or socioeconomic conditions. For the property impacts analysis, the study area is narrower as noted above to better represent the properties most likely to be affected by the improvements in the alignment alternatives. As noted in Chapter 3 of the May 2008 Final Program EIR, varying study area widths were used for noise/vibration, biological resources and wetlands, cultural resources, visual, and parks and recreation.

I427-12

The use of "exclusive guideway" and "shared guideway" are discussed in Chapter 2, Alternatives, in the 2005 Final Statewide Program EIR. The reasons for removing alternatives, some with exclusive guideway, are documented in Chapter 2 of the Final Statewide Program EIR and Appendix 2-G of the 2008 Final Program EIR. Regarding UPRR's position on sharing its right-of-way, please see Standard Response 9.

I427-13

Impacts to aesthetics and visual resources are discussed in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Chapter 3.9 identified potential visual impacts of the HST including catenary, soundwalls, fencing, electrical substations, overcrossings, bridges, tunnel portals, walls, stations, and support facilities. As noted in Chapter 3.9, the Authority is committed to working with local agencies and communities during subsequent project-level environmental review to develop systemwide design elements that draw from the best practices worldwide and work at the project-level of design and analysis to develop context-sensitive aesthetic designs and treatments for HST infrastructure. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the

presence of the impact, the level of significance, and mitigation can only be done at the project level.

I427-14

Visual impacts related to elevated structures and soundwalls were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapter 2.4 of the Revised Draft Program EIR Material. Shadow impacts were also identified in Chapter 3.9 of the May 2008 Final Program EIR as an issue to be analyzed at the project level. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I427-15

Visual impacts related to vehicle and pedestrian overcrossings and undercrossings were evaluated at the program level in Chapter 3.9 of the May 2008 Final Program EIR and in Chapters 2.4 and 4.1 of the Revised Draft Program EIR Material. Visual impacts will also be further examined in detail at the project level because they are a product of the HST system design, and the detail necessary to identify the presence of the impact, the level of significance, and mitigation can only be done at the project level.

I427-16

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of farmland impacts as included in the May 2008 Final Program EIR, however, because that analysis already considered land beneath a road or railroad right-of-way as potential farmland, as defined by the California Department of Conservation Farmland Mapping and

Monitoring Program. The placement of HST tracks adjacent to the UPRR right-of-way does not increase the level of impact. The mitigation strategies included in the May 2008 Final Program EIR include permanent protection for farmlands by securing easements or participating in mitigation banks, and coordination with local, state, federal, and private farmland protection programs. These strategies will be considered by the Authority for inclusion in a programmatic mitigation monitoring and reporting program, and for refining and applying in the project-level EIR/EISs as more detailed information becomes available.

I427-17

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer to Chapter 8 of the 2008 Final Program EIR and Chapter 7 of the Revised Draft Program EIR that discuss the relative environmental impact differences between preferred Pacheco Pass network alternative and the most promising Altamont Pass network alternative. Based on this information, the U.S. EPA and the U.S. Army Corps of Engineers concurred that the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008.

I427-18

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources impacts were not identified as requiring further work. Like the original Bay Area to Central Valley Program EIR, the recirculated material involves a programmatic level of detail. The data for biological resources and wetlands were interpreted and synthesized to the appropriate level for a program-level environmental analysis. Refer

to Chapter 3.15 of the 2008 Final Program EIR. As noted in Chapter 8 of the Final Program EIR, the U.S. EPA and the U.S. Army Corps of Engineers concurred with this level of information to identify the Pacheco Pass network alternative serving San Francisco via San Jose was the corridor most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) in 2008. The Superior Court in the Town of Atherton case concluded that the level of detail was adequate for a Program EIR.

I427-19

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final Program EIR. The biological analysis was based on the thresholds and criteria set in CEQA Appendix G. Impacts on nonsensitive species and habitats were not considered a criterion to base decisions of identifying a preferred alternative. Methods of impact evaluation for the project were developed with input from both state and federal resource agencies. Additional detailed information regarding potentially affected species will be provided in the subsequent project-level environmental evaluation and documentation. This information will include species descriptions, distribution, seasonal activity, range, reproduction, habitat characteristics, population status, threats, conservation status, and a detailed evaluation of effects of the project and proposed mitigation.

I427-20

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Biological resources was not one of those topics. Refer to Chapter 3.15 of the 2008 Final

Program EIR. The analysis in Chapter 3.15 also identifies the need for field reconnaissance-level surveys to be conducted as part of the future Tier 2 project-level environmental analysis. These future surveys will determine specific habitat conditions and impacts along the entire preferred HST network alternative and surrounding areas. This detailed analysis will identify specifically where there are construction and operation impacts, including noise, vibration, and potential pollution concerns, on critical wildlife corridors, wetlands, sensitive habitat, and special-status species. At the project level, alignments would be further designed to avoid or minimize potential impacts. Mitigation strategies identified at the program level will be refined and applied at the project level to mitigate significant impacts. The Authority will continue coordination with all agencies and organizations involved to identify specific issues and develop solutions that avoid, minimize, and mitigate potential biological impacts.

I427-21

The Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. One of these topics included a revised description of the HST alignment between San Jose and Gilroy. This revised description of the HST alignment clarifies that the HST tracks would be placed adjacent to, and not within, the right-of-way owned by UPRR in this area. The revised project description does not result in changes to the discussion of biological resources and wetland impacts as included in the May 2008 Final Program EIR, however, because the study area as discussed in the 2008 Final Program EIR extended out 1,000 ft in urban areas and 0.25 mile in rural areas on each side of the alignment. The impacts analysis in the 2008 Final Program EIR, therefore remains valid.

Comment Letter I428 (Steve Matthews, April 26, 2010)**I428****Kris Livingston**

From: steve 1 [sgjm1@hotmail.com]
Sent: Monday, April 26, 2010 6:05 PM
To: HSR Comments
Subject: Bay Area to Central Valley Revised Draft Program EIR - Material Comments

Dear Mr. Leavitt,

Regarding the High-Speed Rail (HSR) Authority consideration, I am very worried about the noise of trains running all through the night, the safety of those crossing the tracks where permitted and the division of neighborhoods. Any walls don't do enough to lower the sound and they would separate neighborhoods more so then currently and I am opposed.

I428-1

As a resident homeowner in San Mateo I am very concerned about these issues. I could support the trains going underground.

As you may know, Caltrain currently runs trains until about mid-night and allows others to use their tracks in the middle of the night - I can only imagine what the HSR will do running up and down the peninsula 24 hours a day. The noise of the blowing whistles and ground vibrations are almost too much to endure! (Of separate note, I have contacted Caltrain and they claim they are working on the noise issue, but that the after mid-night trains are not theirs, so there is nothing they can do about it. I wonder what kind of response peninsula residents would get from them when the HSR is using the same tracks.)

I428-2

Lastly, please use "eminent domain" as little as possible and be more than fair to residents (not just owners) who are impacted.

I428-3

If you have any question, please feel free to contact me at this email address or my mailing address listed below.

Thank you!

Steve Matthews
P O Box 4076
Foster City CA 94404

Response to Letter I428 (Steve Matthews, April 26, 2010)

I428-1

The comment expresses concerns about noise, public safety, and community cohesion impacts. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

I428-2

See Standard Response 3.

More detailed information and analysis of noise and vibration impacts and mitigation will be included in project-level EIR/EISs.

I428-3

See Standard Response 7 regarding Eminent Domain.

Comment Letter 1429 (Hopkins and Carley, April 20, 2010)

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1429

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FACSIMILE TRANSMISSION

DATE: 4/20/2010 4:12:44 PM

TO: Dan Leavitt- California High-Speed Rail Authority
Company:
Fax: 916-322-0827
Phone:

FROM: Berta Y. Moreno
Fax: 408-998-4790
Phone: 408-286-9800

NUMBER OF PAGES WITH COVER PAGE: 6

MESSAGE:

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FACSIMILE TRANSMISSION

DATE: April 20, 2010

FILE NUMBER:

TO:	NAME:	FAX NO.:	PHONE NO.:
	Dan Leavitt California High-Speed Rail Authority	(916) 322-0827	
	Robert Bettencourt	(408) 778-2316	

FROM: Joan R. Gallo PHONE: 408-299-1496

SENT BY: Berta Moreno, Secretary to Joan R. Gallo
PHONE 408-299-1429

RE: Comments on the Bay Area to Central Valley Revised Draft Program EIR

NUMBER OF PAGES WITH COVER PAGE: 5

DOCUMENT(S) FAXED:

Correspondence of this date addressed to Dan Leavitt regarding above referenced matter.

MESSAGE:

The attached comments to the Bay Area to Central Valley Revised Draft Program EIR on behalf of MTA Properties LP have also been transmitted by e-mail to: comments@hsr.ca.gov

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Comment Letter I429 - Continued

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April 20, 2010

JOAN R. GALLO
jgallo@hopkinscarley.com
408-299-1406
Fax 408-938-6227

Dan Leavitt
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814
Attn: Bay Area to Central Valley Revised Draft Program EIR Material Comments

Re: Comments on the Bay Area to Central Valley Revised Draft Program EIR

Dear Mr. Leavitt:

I represent MTA Properties LP, the majority property owner of the yet to be developed portion of the Communications Hill Specific Plan (CHSP). The Specific Plan was adopted by the City of San Jose in 1992 based on a certified EIR. The CHSP is incorporated into the San Jose General Plan 2020 as the Communications Hill Planned Community. It is bounded on the north by Curtner Avenue, on the south by Hillsdale Avenue, Snell Avenue and Capitol Expressway, on the east by Monterey Road and on the west by the Guadalupe Corridor. The EIR being prepared for San Jose's Envision 2040 General Plan up-date anticipates 2,700 new housing units, essential to enable the City to meet its housing goals. It will be directly impacted by the Bay Area to Central Valley High Speed Train (HST) project.

The Revised Draft Program EIR for the HST needs to consider its impact on the ability of the CHSP to be developed as long planned. One of the purposes of an environmental impact report is to provide public agencies and the public in general, with detailed information about the effect which a proposed project is likely to have on the environment. (Public Resources Code §21061.) By its own terms, neither the land use analysis nor the determination of significance is limited by the Check List in Appendix G of the CEQA Guidelines quoted, without citation, in the Program EIR at pages 2-3 and 2-5. The EIR must consider any direct or indirect physical change where that change is a reasonably foreseeable impact which may be caused by the project. (CEQA Guidelines §15064(d)(3).) With reference to subsequent activities, a Program EIR should deal with the effects of the program as specifically and comprehensively as possible. (CEQA Guidelines, §15168 (c)(5).) While the Program EIR acts as an analytical superstructure for subsequent more detailed analysis, it should identify those probable

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PALO ALTO SAN JOSE BUREAU

Dan Leavitt
April 20, 2010

Page 2

environmental effects that can be identified. For those impacts that cannot be predicted without undue speculation or for which the deferral of specific analysis is otherwise appropriate, the agency can defer such analysis until the project EIR can focus on effects not considered in the Program EIR (CEQA Guidelines, §15162) as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand. (CEQA Guidelines, §15152(c).) Therefore, while some of the concerns listed below may be more thoroughly addressed at the project stage, we include those concerns now to request assurance that they will be considered in the planning of the Project as well as the subsequent environmental review.

Communications Hill needs to be considered in any assessment of the HST along the Monterey corridor. Our specific concerns are as follows:

1. Pullman Crossing. The CHSP includes an entry onto Communications Hill from Monterey Highway via an extension of Pullman Way across the railroad right-of-way. At the time that a Pullman Maintenance Facility was being considered for CalTrain, a study in 1995 performed by Caltrans determined the preferred route should instead terminate at the intersection with Lewis Road. Since this is the general location of Lick (where the HST corridor will connect to the CalTrain right-of-way), how will construction of an overpass be accommodated with the widening of the track corridor since the timing of the development on Communications Hill is such that the high speed train is likely to be in service well before a Communications Hill developer is in a position to construct an overpass. Therefore, the impact of precluding the Pullman/Communications Hill connection needs to be analyzed. It would appear that the impact can most easily be mitigated by providing the overpass in connection with the HST project.

2. Communications Hill Boulevard. The CHSP requires a bridge linking Communications Hill Boulevard to either side of the railroad right-of-way. Given the span, the bridge cannot be pre-cast. With trains passing through the area at high speed and increased frequency, how will bridge construction be accommodated?

3. Curtner Congestion. Curtner is presently six lanes until it reduces to four lanes at the railroad bridge. This creates a serious bottleneck. The long term plan of the City has been to expand the right-of-way in this area. If the expansion is not to be constructed prior to the commencement of high speed rail service, for the same reasons as the Pullman crossing outlined above, it will likely be precluded. How would that impact development of Communications Hill? Will the delays occasioned by the northbound LOS on Monterey Highway add to the congestion in the stretch of Curtner between Monterey and Highway 87?

4. Access to the Capitol Station. Density on Communications Hill is achievable, in part, because of its proximity to public transit. The ability for residents to utilize the Capitol Station was a significant traffic mitigation in the CHSP EIR. The Capitol

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Comment Letter I429 - Continued

Hopkins & Carley 4/20/2010 4:13:44 PM PAGE 005/006 Fax Server

Hopkins & Carley 4/20/2010 4:13:44 PM PAGE 006/006 Fax Server

Dan Leavitt
April 20, 2010

Page 3

Station is situated to the east of the current UPRR. The HST will run east of the Capitol Station, eliminating access to the Station. How will residents of Communications Hill be able to access the CalTrain Capitol Station?

In its review of and comment on the current CHSP development phase, the Santa Clara Valley Transportation Authority (VTA) suggested the addition of two pedestrian/bike only (non-motorized) crossings of the CalTrain tracks, one in line with the Capitol Station. Due to the height profile required for the HST electrification apparatus, should these crossings be deemed beneficial, will construction be allowed after HST is in service?

I429-5
cont.

4. **Traffic Impact.** The Revised EIR anticipates that the Monterey Highway reduction to four lanes will increase traffic congestion in both directions. In the southbound direction, all road segments are projected to operate at LOS E or F, while the northbound direction will be degraded to LOS C or worse. Since the density of Communications Hill is dependent on traffic capacity, how will this impact the CHSP density?

I429-6

5. **Existing Easements.** Easements for private crossings of the railroad tracks were granted by Southern Pacific in the late 1920's. One of these, to enable a bridge linking parcels owned by MTA Properties, is sited generally in the location of the future Communications Hill Blvd. Another, an underpass, links parcels owned by Raisch Investments at the terminus of Pullman Way. How will these private easements be maintained during construction of the HST project?

I429-7

6. **Noise and Security.** The Revised EIR contains Figure PP-6A, which shows the current set of tracks in the middle of the 100' row. The tracks will be moved to the western half of the row, and HST will be constructed within the eastern half. This reconfiguration will place all tracks closer to residential developments. How will sound impacts on Communications Hill residences be mitigated? How will security be implemented?

I429-8

I429-9

7. **Utilities.** Underground utilities (from the CHSP to Monterey Highway) are planned in the general area of Pullman Way where the Lick point is situated. With the widening of the railroad corridor, placement of utilities (i.e. water, sewer, storm drain lines) under the railroad right-of-way remains imperative for the development of Communications Hill. How will the HST project accommodate this need?

I429-10

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April 20, 2010

Page 4

We appreciate your consideration of these concerns. Please include me on the list of persons to be notified with regard to this project.

Sincerely,

HOPKINS & CARLEY
A Law Corporation

Joan R. Gallo
Joan R. Gallo

JRG/bm

cc: Mayor Chuck Reed
Laurel Prevetti
Hans Larsen
Rob Bettencourt

000687635.1

Response to Letter I429 (Hopkins and Carley, April 20, 2010)

I429-1

Comment acknowledged. Please see Standard Responses 2 and 3 regarding tiering and the level of detail appropriate for a program EIR. The effect of the high-speed train alignment on potential development consistent with the Communications Hill Specific Plan is beyond the scope of the Program EIR, but will be examined at the project-EIR level in the event that this area is part of the selected network alternative.

I429-2

The Authority appreciates the comment. Site specific impacts to planned public and private improvement projects will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes. The Authority notes that there are bridge types and construction techniques that would not preclude the ability to construct a future bridge over a widened railway corridor.

I429-3

The Authority appreciates the comment. Site specific to planned public and private improvement projects will be part of subsequent project-level environmental documents. The Authority will consider the comment as part of the project-level EIR/EIS processes. Note that evaluation of a combined HST and Caltrain railway corridor in this area would consider a right of way approximately 100 feet wide. This would not preclude the use of precast concrete girders or steel girders that could span over the railway corridor and not interfere with train operations.

I429-4

Comment noted. The traffic impact analysis study conducted at the project-level would evaluate the congestion on nearby affected streets due to the proposed modification to Monterey Highway. The Changes in traffic volumes on parallel streets and the effect of these changed volumes on roadway operations would be evaluated.

Detailed information and analysis of any potential traffic impacts and feasible mitigation measures will be included in project-level EIR/EIS traffic impact analysis study and documented in a Traffic, Transit, Circulation and Parking Report.

I429-5

Impacts to traffic circulation due to the proposed project would be evaluated in detail under the project-level traffic impact analysis study. The traffic impact analysis study would also evaluate non-motorized connections to and across HST facilities and the effect of the project on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will also be analyzed. Detailed information and analysis of all potential traffic impacts including impacts to pedestrian and bike facilities and feasible mitigation measures will be documented in a Traffic, Transit, Circulation and Parking Report.

I429-6

Comment noted. The need to use the Monterey Highway corridor originated because UPRR has stated its unwillingness to allow use of its right-of-way. The proposal to reduce Monterey Highway from six to four lanes for the purpose of accommodating the proposed HST project is supported by both the City of San Jose and Caltrans. Detailed traffic analysis at the project-level EIR/EIS will evaluate the impacts due to reduction in lanes of Monterey Highway. Future traffic operations on Monterey Highway and any other affected roadways will be evaluated to determine the potential traffic impacts due to the proposed modification of the highway. The traffic impact analysis study will also evaluate permanent and construction-related (temporary) impacts to affected roadways, intersections, parking, pedestrian and bicycle facilities. Feasible mitigation measures will also be discussed at the project-level.

I429-7

Details on potential impacts and mitigations related to specific private crossings will be studied during the project level

environmental process. It is the policy of the Authority to maintain existing accesses to private property whenever feasible and to provide for alternate access where the existing access must be closed. More detailed information and analysis will be part of a project-level EIR/EIS because the determination of impact is a product of the HST system design and can only be done at the project level. See also Standard Response 3.

I429-8

See Standard Response 3.

More detailed information and analysis of noise impacts and mitigation will be included in project-level EIR/EISs.

I429-9

The HST project under consideration in the Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to prevent easy pedestrian access to the rail tracks. The HST system includes state-of-the-art safety, signaling, and automated train control systems to minimize the potential for derailment.

I429-10

See Response to Comment I165-9.

Comment Letter 1430 (R. Clark Morrison, April 23, 2010)



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File No. 60516

April 23, 2010

VIA E-MAIL AND U.S. MAIL

Mr. Dan Leavitt
California High Speed Rail Authority
925 L. Street, Suite 1425
Sacramento, CA 95814

Re: Comments on Bay Area to Central Valley HST Revised Draft Program EIR/EIS

Dear Mr. Leavitt:

On behalf of Silicon Valley Sports and Entertainment, a California limited liability company (together with its affiliate, San Jose Arena Management, LLC, collectively referred to herein as "Silicon Valley Sports"), the manager of HP Pavilion, we submit the following comments with respect to the recently decertified, revised and partially recirculated *Central Valley High-Speed Train Program Environmental Impact Report/Environmental Impact Statement*. For purposes of this letter, the 2008 *Central Valley High-Speed Train Program Environmental Impact Report/Environmental Impact Statement* is referred to as the "2008 EIR/EIS", the recently circulated *Bay Area to Central Valley High-Speed Train Revised Draft Program Environmental Impact Report Material* is referred to as the "Revised Material", and the 2008 EIR/EIS as revised by the Revised Material is referred to collectively as the "Revised EIR/EIS".

HP Pavilion hosts an average of 170 events each year, welcoming some 1.5 million patrons. Silicon Valley Sports is firmly committed to providing a first class experience to HP Pavilion patrons, whether for professional ice hockey or other entertainment events, as well as to implementing measures to protect our neighbors from intrusion into their neighborhoods. The patrons and neighbors of HP Pavilion expect and deserve that the California High Speed Rail Authority (the "HSR Authority") will not approve projects that will undermine their experiences, and instead will fully analyze, identify, and mitigate the impacts of the proposed High-Speed Train project (the "HST Project").

Silicon Valley Sports and the City of San Jose have successfully invested in and implemented a variety of programs, including the HP Pavilion Transportation and Parking Management Plan ("HP Pavilion TPMP"), to provide efficient and convenient access and parking for HP Pavilion, minimize traffic congestion on surrounding roadways, and minimize traffic and parking intrusion into surrounding neighborhoods. Continuing this success will be an ongoing challenge that will require the cooperation of future Downtown San Jose projects, including the HST Project, as well as the proposed Major League Baseball stadium project (the "Baseball Stadium"), the Silicon Valley Rapid Transit Corridor BART project (the "BART Project"), and

Mr. Dan Leavitt
April 23, 2010
Page 2

future land uses proposed in the Diridon Station Area Plan (the "Diridon Plan"). If the impacts of the HST Project impacts are not adequately mitigated, the HST Project will erode the effectiveness of the HP Pavilion TPMP and aggravate neighborhood impacts.

As described in the Revised EIR/EIS, the HSR Authority plans to locate a major traffic generating use that will demand 7,200 to 9,800 parking spaces in an already congested area, but the Revised EIR/EIS indicates that only 1,382 new parking spaces will be provided, and does not address whether physical roadway improvements will be required to accommodate HST Project traffic. Nor does the Revised EIR/EIS contain any firm commitment that the traffic, parking, pedestrian, transit, construction and cumulative transportation impacts of the HST Project in San Jose will be fully analyzed and mitigated in the San Francisco to San Jose Project EIR/EIS and San Jose to Merced Project EIR/EIS (collectively, the "Proposed Project-Level EIR/EISs"). (The HSR Authority circulated Notices of Preparation of the Proposed Project-Level EIR/EISs earlier this year, and Silicon Valley Sports submitted comments in response to those NOPs, copies of which are enclosed.)

Silicon Valley Sports expects that the HSR Authority will fully disclose and analyze all potentially significant traffic, parking, pedestrian, transit, construction and cumulative transportation impacts associated with the HST Project, and will impose adequate measures to avoid or mitigate those impacts to less than significant levels. This analysis must be included at a program-level in the Revised EIR/EIS, and at a project-level in the Proposed Project-Level EIR/EISs. In addition, because Diridon Station sits at the juncture between the San Francisco to San Jose segment and the San Jose to Merced segment of the HST Project, it is critical that both the Revised EIR/EIS (at a program-level) and the Proposed Project-Level EIR/EISs (at a project-level) comprehensively address the combined transportation impacts of both segments on the Diridon/Arena area.

Due to its proximity to Diridon Station, HP Pavilion relies on the same street network, parking facilities, transit services and pedestrian facilities that would serve HST Project patrons at Diridon Station. As a result, traffic congestion, parking demand in excess of available supply, impacts to pedestrian capacity and safety, or inadequate transit capacity or impaired transit service in the Diridon Station area will adversely affect HP Pavilion. The Revised EIR/EIS, as well as the Proposed Project-Level EIR/EISs, must identify these significant impacts, as well as feasible means to avoid or mitigate them, and if mitigation is not feasible, must disclose that these impacts are significant and unavoidable.

Traffic Impacts

There is no substantial evidence in the record to support the conclusion of the Revised EIR/EIS that, with the addition of HST Project traffic, the cordon surrounding Diridon Station will operate at LOS A and, therefore, traffic "would not constitute an impact." See 2008 EIR/EIS at p. 3.1-38. Moreover, while the Revised EIR/EIS acknowledges that "a few roadways" in the vicinity of Diridon Station "would operate at LOS E and F" with the HST Project, the document does not identify how many roads will operate at unacceptable levels of service or where

Comment Letter I430 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 3

these roadways are located. *See id.* Indeed, a complete traffic impact analysis was not circulated as part of the Revised EIR/EIS and, therefore, the decision-makers and the public are denied a meaningful opportunity to review and comment on the traffic impacts of the HST Project and feasible measures to avoid or mitigate such impacts.

I430-4
cont.

A complete analysis of traffic impacts and feasible mitigation measures must be included at a program-level in the Revised EIR/EIS and at a project-level in the Proposed Project-Level EIR/EISs, including without limitation: (i) traffic congestion on freeway segments, freeway ramps, surface streets and intersections, (ii) traffic congestion at intersections near HP Pavilion during the hour of 6:30 to 7:30 p.m. on a typical weekday (the peak traffic period when events occur at HP Pavilion and the proposed Baseball Stadium), (iii) delays for motorists entering or exiting on-site or off-site parking facilities for HP Pavilion, and (iii) any proposed closure of streets used by HP Pavilion customers.

I430-5

Parking Impacts

There is no substantial evidence in the record to support the conclusion of the Revised EIR/EIS that parking impacts in the Diridon Station area will be less than significant because "it is anticipated that parking will be added at the stations that is sufficient to meet demand." *See id.* According to the Revised EIR/EIS, the HST Project would increase parking demand at Diridon Station from 7,200 to 9,800 spaces, yet the document acknowledges that only 1,432 spaces will be added to the 595 spaces currently located at the station (for a total of 2,027 spaces). In other words, the data in the Revised EIR/EIS reveal that parking provided at the Diridon Station will fall short of meeting demand by 5,173 to 7,773 spaces.

I430-6

In contrast to the Revised EIR/EIS, the recently released *California High-Speed Rail Train Project Technical Memorandum Station Area Parking Guidance*, dated March 10, 2010 (the "HSR Technical Memorandum"), asserts that the total daily parking demand for the Diridon HSR station is expected to be 3,800 spaces. This figure represents a dramatic reduction in the demand figures described in the Revised EIR/EIS (by 3,400 to 6,000 spaces). Inexplicably, the HSR Technical Memorandum does not explain the basis for the reduction, other than to suggest that if there is inadequate parking, riders will get dropped off instead of driving themselves. The HSR Technical Memorandum provides no evidence to support this extremely aggressive assumption, and in fact this change appears to be more of a result-oriented manipulation of the analysis than a true reduction in parking demand. Nevertheless, even with this dramatic reduction in anticipated parking demand, parking supply at the Diridon Station still would fall short of meeting demand by 1,773 spaces.

I430-7

A complete analysis of parking impacts and feasible mitigation measures must be included at a program-level in the Revised EIR/EIS and at a project-level in the Proposed Project-Level EIR/EISs, including without limitation: (i) the adequacy of parking supply to meet demand for existing and foreseeable uses, including the HST Project, the BART Project, the Baseball Stadium, and the future land uses contemplated by the Diridon Plan; (ii) any changes to the number or availability of on-site HP Pavilion parking spaces, (iii) any changes to the number or availability

I430-8

Mr. Dan Leavitt
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Page 4

of off-site spaces serving HP Pavilion, and (iii) any proposed shared-use of any on-site HP Pavilion parking spaces or any off-site parking spaces.

I430-8
cont.

Pedestrian Impacts

The Revised EIR/EIS fails to evaluate the impact of the HST Project on pedestrian safety and pedestrian facilities in the vicinity of Diridon Station, despite acknowledging that the station is expected to accommodate approximately five million HST passenger boardings annually. A complete analysis of pedestrian impacts and feasible mitigation measures must be included at a program-level in the Revised EIR/EIS and at a project-level in the Proposed Project-Level EIR/EISs, including without limitation: (i) the extent to which the HST Project will affect pedestrian movements to and from HP Pavilion; and (ii) any provisions to be made for persons walking between Diridon Station and HP Pavilion

I430-9

Transit Impacts

There is no substantial evidence in the record to support the conclusion of the Revised EIR/EIS that transit impacts from the HST Project would be less than significant. The conclusion that the Amtrak, ACE Caltrain, and SCVTA light rail would have sufficient capacity following implementation of the HST Project is not supported by any relevant data, and the Revised EIR/EIS completely fails to analyze the impact of the HST Project on BART and bus transit capacity. In addition, the Revised EIR/EIS fails to address the impact of traffic congestion resulting from the HST Project on these transit services. Furthermore, the Revised EIR/EIS does not evaluate the impact of the HST Project on taxi, limousine, and auto drop off/pick up options serving HP Pavilion patrons.

I430-10

A complete analysis of transit impacts and feasible mitigation measures must be included at a program-level in the Revised EIR/EIS and at a project-level in the Proposed Project-Level EIR/EISs, including without limitation impacts on capacity and impacts from congestion to bus, light rail, and BART service, as well as taxi and limousine service to HP Pavilion

Construction Impacts

It is of critical importance that effective traffic, parking, pedestrian and transit operations for HP Pavilion be preserved during the construction of the HST Project. Although the Revised EIR/EIS describes anticipated construction activities at a very general level of detail, it fails to analyze whether these construction activities will result in significant environmental impacts or to identify measures to avoid or mitigate any such impacts. A complete analysis of construction impacts and feasible mitigation measures must be included at a program-level in the Revised EIR/EIS and at a project-level in the Proposed Project-Level EIR/EISs, including without limitation: (i) the expected duration of construction for the station and track adjacent to HP Pavilion; (ii) the construction staging plan and schedule; and (iii) the impact on traffic access routes and parking for HP Pavilion.

I430-11

Comment Letter I430 - Continued

Mr. Dan Leavitt
April 23, 2010
Page 5

Cumulative Impacts

The cumulative transportation analysis in the Revised EIR/EIS fails to take into account probable future projects in the vicinity of Diridon Station that will contribute to significant cumulative impacts, including the BART Project, the Baseball Stadium, and the Diridon Plan. Without such information, the Revised EIR/EIS cannot adequately inform the public about the full extent of the contribution of the HST Project to potentially significant transportation impacts. For example, the estimated parking demand to serve the BART Project, the Baseball Stadium, and the Diridon Plan is over 30,000 spaces.¹ The Revised EIR/EIS fails to analyze the considerable contribution of the HST Project (which, as noted above, also proposes inadequate parking to meet demand) to this significant cumulative parking impact. The cumulative transportation analysis should be revised to account for probable future projects and their related transportation effects.

I430-12

On behalf of Silicon Valley Sports, we appreciate the opportunity to comment on the Revised EIR/EIS. We look forward to reviewing a revised and recirculated document that adequately addresses the issues identified herein at a program level, as well as the Proposed Project-Level EIR/EISs. We trust that the additional analysis will be provided in a timely fashion as part of a public process that enables meaningful opportunity for public comment. In the meantime, please note that Silicon Valley Sports reserves its right to submit additional comments as additional relevant information becomes available.

I430-13

Sincerely,


R. Clark Morrison

RCM/sbl

Encls.:

Letter from Jim Goddard, San Jose Arena Management Corporation, to Dan Leavitt, California High Speed Rail Authority, dated March 1, 2009, regarding San Francisco to San Jose HST Project EIR/EIS

Letter from Jim Goddard, San Jose Arena Management Corporation, to Dan Leavitt, California High Speed Rail Authority, dated April 6, 2009, regarding San Jose to Merced HST Project EIR/EIS

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¹ The Silicon Valley Rapid Transit Corridor DEIR, dated March 2009, states that expected BART Project parking demand for the Diridon Station is 2,595 parking spaces by 2030. The Final Draft of the Diridon/Arena Strategic Development Plan, dated April 2003, indicates that the Diridon Plan will require 15,000 parking spaces. The DEIR for the Baseball Stadium indicates that parking demand for a 26,000 seat stadium will be 13,929 spaces.



Attachment
to I430

March 01, 2009

Mr. Dan Leavitt, Deputy Director
Attn: San Francisco to San Jose, California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

RE: Comments on Scope of San Francisco to San Jose HST Project EIR/EIS

Dear Mr. Leavitt:

The purpose of this letter is to offer comments on behalf of the San Jose Arena Management Corporation regarding the above referenced EIR/EIS for the San Francisco to San Jose high speed rail project. We have keen interests in this project relative to the service that will be provided for HP Pavilion customers and relative to potential impacts on the ongoing successful operation of HP Pavilion.

We support the environmental analysis process you are performing for this project. Further, we understand this current scoping step has an important purpose to identify the issues that need to be carefully examined through the EIR/EIS process. In this context, we request that the following issues be thoroughly analyzed through the EIR/EIS process.

- a) *Impacts on parking for HP Pavilion.* HP Pavilion customers presently are effectively served by a combination of on-site and off-site parking facilities. It is very important to preserve sufficient, conveniently located spaces for HP Pavilion customers. Questions to be resolved include:
 - a1) What is the expected parking demand for the Diridon high speed rail station and how will this demand be met?
 - a2) To what extent will the project cause any changes to on-site spaces serving HP Pavilion? If any such changes are anticipated, what impacts would be caused for functions that now occur in the on-site parking lot, e.g. circus staging and action sports events?
 - a3) To what extent will the project cause any changes to off-site spaces serving HP Pavilion?
 - a4) To what extent does the project envision provision of parking facilities that are shared between high speed rail and HP Pavilion users? To the extent such parking facilities are planned, what steps would be taken to ensure availability of spaces for HP Pavilion customers when they arrive for an event?
- b) *Impacts on traffic access to and from HP Pavilion.* It is very important to preserve a high quality level of service for motorists traveling to and from events at HP Pavilion. Questions to be resolved include:
 - b1) To what extent will the project cause increased volumes and congestion at intersections near HP Pavilion during the hour of 6:30 to 7:30 p.m. on a typical weekday?
 - b2) To what extent will the project cause increased delays for motorists entering or exiting particular on-site or off-site parking facilities for HP Pavilion events?

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Comment Letter I430 - Continued

Mr. Dan Leavitt

2

March 01, 2009

Attachment
to I430

b3) To what extent would the project involve closure of streets or parking access locations used by HP Pavilion customers?

c) *Impacts on special transportation functions for HP Pavilion.* It is very important to maintain effective operations for multiple special transportation functions that occur at HP Pavilion. To what extent would the project impact such functions, which include taxis, limousines, and auto drop off/pick up?

d) *Impacts on the safety and convenience of pedestrian movements to and from HP Pavilion.* It is very important to preserve high quality service for pedestrians walking to and from HP Pavilion events. Questions to be resolved include:

d1) To what extent would the project affect existing pedestrian movements to and from HP Pavilion?

d2) What provisions would be made for persons walking between the Diridon High Speed Rail station and HP Pavilion?

e) *Impacts during construction.* It is very important to preserve effective traffic, parking, and pedestrian operations for HP Pavilion during construction of the Diridon high speed rail station. Questions to be resolved include:

e1) What is the expected duration of construction for the Diridon station and track bed along the HP Pavilion property?

e2) What are the principal stages of construction related to impacts on traffic and/or parking for HP Pavilion and what are the expected start and end dates for each stage?

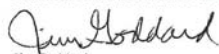
e3) To what extent are traffic access routes and/or parking for HP Pavilion customers affected during the various construction stages? If any negative impacts would occur for HP Pavilion traffic and/or parking, what mitigation measures will be applied to alleviate the impacts?

f) *Impacts on image of HP Pavilion.* It is very important to preserve the existing high quality image and appearance of HP Pavilion. We understand a preliminary concept for the Diridon Station includes structured parking on the existing parking lot on the west side of HP Pavilion. In addition to major questions about the functionality of such a parking structure, we also have serious concerns about the extent to which such a parking structure would impact the image of HP Pavilion.

As previously expressed, we respectfully request that the issues identified in this letter be thoroughly analyzed through the EIS/EIR for the San Francisco to San Jose HST Project. We request that you keep us closely informed regarding progress on this EIR/EIS, and we look forward to coordinating with staff from your agency and consultant team, together with staff from the City of San Jose and Arena Authority, on this important project. Thank you for addressing issues important to HP Pavilion.

Sincerely,

SAN JOSE ARENA MANAGEMENT CORPORATION


Jim Goddard
Executive Vice President & General Manager



Attachment
to I430

April 6, 2009

Mr. Dan Leavitt, Deputy Director
Attn: San Jose to Merced, California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

RE: Comments on Scope of San Jose to Merced HST Project EIR/EIS

Dear Mr. Leavitt:

The purpose of this letter is to offer comments on behalf of the San Jose Arena Management Corporation regarding the above referenced EIR/EIS for the San Jose to Merced high speed rail project. We have keen interests in this project relative to the service that will be provided for HP Pavilion customers and relative to potential impacts on the ongoing successful operation of HP Pavilion. Our interests particularly focus on the Diridon Station and the traffic and parking implications associated with this station.

In addition to the San Jose to Merced EIR/EIS referenced in this letter, your agency also has published intentions to complete a project EIR/EIS for the San Francisco to San Jose segment of the HST project. Both of these projects have been cited to have a terminus at the Diridon Station in San Jose. From this definition of the two projects, a key question is: How will the cumulative effects of these two HST project segments be addressed relative to impacts at the Diridon Station? In our judgment, it is critical that analyses of impacts associated with the Diridon Station account for the full ridership, parking demand, and traffic impacts associated with completion of both HST segments: San Francisco to San Jose and San Jose to Merced.

You are aware we submitted a comment letter recently regarding the scope of the San Francisco to San Jose HST Project EIR/EIS. Since we do not clearly understand the intentions of your agency to address impacts at the Diridon Station in the San Francisco to San Jose EIR/EIS and/or the San Jose to Merced EIR/EIS, we will repeat the same technical issues as presented in our comment letter for the San Francisco to San Jose project.

To be specific, we request that the following issues associated with the Diridon Station be thoroughly analyzed through the EIR/EIS process. As stated in the preceding paragraph, we request that these issues be addressed in a manner that accounts for full completion of both HST segments: San Francisco to San Jose and San Jose to Merced.

a) *Impacts on parking for HP Pavilion.* HP Pavilion customers presently are effectively served by a combination of on-site and off-site parking facilities. It is very important to preserve sufficient, conveniently located spaces for HP Pavilion customers. Questions to be resolved include:

a1) What is the expected parking demand for the Diridon high speed rail station and how will this demand be met?

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Comment Letter I430 - Continued

Mr. Dan Levitt

2

April 6, 2009

Attachment
to I430

- a2) To what extent will the project cause any changes to on-site spaces serving HP Pavilion? If any such changes are anticipated, what impacts would be caused for functions that now occur in the on-site parking lot, e.g. circus staging and action sports events?
- a3) To what extent will the project cause any changes to off-site spaces serving HP Pavilion?
- a4) To what extent does the project envision provision of parking facilities that are shared between high speed rail and HP Pavilion users? To the extent such parking facilities are planned, what steps would be taken to ensure availability of spaces for HP Pavilion customers when they arrive for an event?
- b) *Impacts on traffic access to and from HP Pavilion.* It is very important to preserve a high quality level of service for motorists traveling to and from events at HP Pavilion. Questions to be resolved include:
- b1) To what extent will the project cause increased volumes and congestion at intersections near HP Pavilion during the hour of 6:30 to 7:30 p.m. on a typical weekday?
- b2) To what extent will the project cause increased delays for motorists entering or exiting particular on-site or off-site parking facilities for HP Pavilion events?
- b3) To what extent would the project involve closure of streets or parking access locations used by HP Pavilion customers?
- c) *Impacts on special transportation functions for HP Pavilion.* It is very important to maintain effective operations for multiple special transportation functions that occur at HP Pavilion. To what extent would the project impact such functions, which include taxis, limousines, and auto drop off/pick up?
- d) *Impacts on the safety and convenience of pedestrian movements to and from HP Pavilion.* It is very important to preserve high quality service for pedestrians walking to and from HP Pavilion events. Questions to be resolved include:
- d1) To what extent would the project affect existing pedestrian movements to and from HP Pavilion?
- d2) What provisions would be made for persons walking between the Diridon High Speed Rail station and HP Pavilion?
- e) *Impacts during construction.* It is very important to preserve effective traffic, parking, and pedestrian operations for HP Pavilion during construction of the Diridon high speed rail station. Questions to be resolved include:
- e1) What is the expected duration of construction for the Diridon station and track bed along the HP Pavilion property?
- e2) What are the principal stages of construction related to impacts on traffic and/or parking for HP Pavilion and what are the expected start and end dates for each stage?
- e3) To what extent are traffic access routes and/or parking for HP Pavilion customers affected during the various construction stages? If any negative impacts would occur for HP Pavilion traffic and/or parking, what mitigation measures will be applied to alleviate the impacts?
- f) *Impacts on image of HP Pavilion.* It is very important to preserve the existing high quality image and appearance of HP Pavilion. We understand a preliminary concept for the Diridon Station includes structured parking on the existing parking lot on the west side of HP Pavilion. In addition to major questions about the functionality of such a parking structure, we also have serious concerns about the extent to which such a parking structure would impact the image of HP Pavilion.

Mr. Dan Levitt

3

April 6, 2009 Attachment
to I430

As previously expressed, we respectfully request that the issues identified in this letter be thoroughly analyzed through the EIS/EIR process for the San Jose to Merced HST segment and/or the San Francisco to San Jose HST segment. Given that the Diridon Station represents an "overlap" between the EIS/EIR projects, we request that you inform us as soon as possible regarding answers to the following two questions:

- To what extent will potential impacts associated with the Diridon Station be addressed in the San Francisco to San Jose EIR/EIS, as compared to the San Jose to Merced EIR/EIS?
- How will the cumulative effects of both HST segments be accounted for in the analysis of potential impacts at the Diridon Station?

We look forward to coordinating with staff from your agency and consultant team, together with staff from the City of San Jose and Arena Authority, on this important project. Thank you for addressing issues important to HP Pavilion.

Sincerely,

SAN JOSE ARENA MANAGEMENT CORPORATION



Jim Goddard
Executive Vice President & General Manager

cc: Chris Morrissey
David Cahill
Don Gralnek
Hans Larson
Jim Benshoof

Response to Letter I430 (R. Clark Morrison, April 23, 2010)

I430-1

The analysis of number of parking spaces required and the placement of the parking facilities will be conducted in the project-level EIR/EIS. This information will be documented in a Traffic, Transit, Circulation and Parking Report. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods.

I430-2

See Response to Comment I430-1.

I430-3

Detailed parking, pedestrian, transit, construction and cumulative transportation impacts of the proposed HST project in San Jose will be fully analyzed only in the project-level EIR/EIS. This level of analysis cannot be conducted in the program-level traffic impact analysis study.

I430-4

Comment noted. This level of traffic analysis cannot be conducted in a program-level traffic impact analysis study. However, potential changes in traffic volumes on surface streets located near proposed HST stations and the effect of these changed traffic volumes on traffic operations of these roadways and critical intersections will be evaluated in the project-level traffic impact analysis study. All roadways near proposed HST stations which would operate at unacceptable conditions due to addition of the proposed HST station would be identified and feasible mitigation measures will be proposed. A complete traffic impact analysis shows the streets and intersections that could be affected by the proposed station at San Jose, in addition to other analysis, is required. Such a detailed study will be conducted at the project-level. This information will be

documented in a draft traffic report and in a draft EIR/EIS, both of which will be available for public review. The public can then review the potential impacts and feasible mitigation measures and provide comments which will be considered while preparing the final EIR/EIS and Traffic, Transit, Circulation and Parking Report.

I430-5

Detailed parking, pedestrian, transit, construction and cumulative transportation impacts of the HST Project in San Jose will be fully analyzed only in the project-level EIR/EIS. This level of analysis cannot be conducted in the program-level analysis which would also consider proposed HST stations.

I430-6

The analysis of number of parking spaces required and the placement of the parking facilities will be conducted in the project-level EIR/EIS. This information will be documented in a Traffic, Transit, Circulation and Parking Report. Potential parking impacts will be evaluated based on the existing and future parking supply and the projected parking demand. Parking demand will be based upon the patronage and mode of access forecasts at each proposed station, including parking and related circulation impacts for adjacent neighborhoods. The parking demand data will be revised at the program-level. A complete analysis of potential parking impacts and feasible mitigation measures will be discussed in the project-level traffic impact analysis study. The project-level traffic impact analysis study will explain the reason for the difference between parking demand numbers estimated at the program and project levels, if any.

I430-7

See Response to Comment I430-6.

I430-8

See Response to Comment I430-6.

I430-9

The project-level traffic impact analysis study will evaluate the effect of the project on existing and planned pedestrian and bicycle facilities. Potential impacts on pedestrian and bicycle connections to and across HST facilities will be analyzed. Detailed information and analysis of potential traffic impacts including impacts to pedestrian and bike facilities and feasible mitigation measures will be included in project-level EIR/EISs and documented in a Traffic, Transit, Circulation and Parking Report.

I430-10

The program-level traffic impact analysis study conducted a high-level traffic analysis, as is the norm. The traffic impact analysis study in the project-level, on the other hand, will look at impacts to transit at a more detailed level including potential for inadequate capacity of feeder bus service, potential for traffic congestion from project to disrupt or delay bus service that serve or run near stations or other transit operations. Potential impacts of project construction on transit service will also be evaluated in detail.

I430-11

See Response to Comment 1052-5 regarding construction.

I430-12

The 2010 Revised Draft Program EIR Material addresses those topics identified in the final judgment for the Town of Atherton litigation as requiring corrective work under CEQA. Cumulative impacts was not one of those topics. Cumulative impacts were considered in Chapter 3.17 of the May 2008 Final Program EIR. A list of detailed projects and plans used in the analysis are listed and discussed in Appendix 3.17-A. A definition of cumulative impacts per CEQA and NEPA is included in Chapter 3.17. Sufficient detail is provided for this program-level analysis, and further analysis will be included in the project-level environmental analyses, when more detailed engineering, design, and location information will be available for the HST system and when future projects can be considered in more detail, in relation to the network alternative ultimately selected by the Authority for further study.

I430-13

We disagree that it is necessary to revise and recirculate the program EIR a second time based on the comments in this letter. The issues identified in the letter have been addressed at the program level. If the Authority proceeds with a network alternative that involves San Jose, the issues identified will be addressed with site-specific detail in project-level EIRs.

Comment Letter I431 (Richard O. Bartel, April 20, 2010)

I431

RICHARD O. BARTEL 189 Linden Ave. SAN BRUNO, CA 94066-5407 (650) 871-4900		Memo LETTER
RECEIVED APR 21 2010 BY:		Date <u>20 Apr 2010</u> Subject <u>HSR Route from San Jose, Ca to SF, Ca.</u>
To <u>Dan Leavitt CHSRA</u> <u>925 L ST, Suite 1425</u> <u>Sacramento, Ca 95814</u>		
<p>The best way for HSR is to go down the middle of 101 Freeway - a level route all the way - after SFO it would go out past Conello Stuck - Hunters Point - and join Cal. Train Tracks @ 7th ST, SF. - This would save tons of money. It should not have any stops from San Jose to S.F. - This can be done and not destroy many peoples homes or divert cities along the way - It would make HSR run much better with no added stops and really be high speed - with the only stop at San Jose - We can not pay for tunnels and berrns to make it go -</p>		
<input checked="" type="checkbox"/> Please reply <input type="checkbox"/> No reply necessary		SIGNED <u>Richard O. Bartel</u>

I431

Response to Letter I431 (Richard O. Bartel, April 20, 2010)

I431-1

See Standard Response 10.

Comment Letter I432 (Hector Gutierrez, April 25, 2010)

I432

Kris Livingston

From: Hector [hgfin4522@yahoo.com]
Sent: Sunday, April 25, 2010 3:51 PM
To: HSR Comments; paul.hefner@ogilvypr.com
Subject: Objection to HSR thru Morgan Hill.

I just want to let you know that I think it's a shame that you would disregard the value of properties that would be affected by bringing the HSR through down town Morgan Hill by way of Monterey Hwy. when you have the availability to go through the outskirts and keep the residents happy.

You will see the decline of the value of the entire city, because of your stubbornness to try to save a few dollars.

All of the congestion that you will cause the people to go through, all the danger or risks our kids will be put through will cause the residents to move out and cause potential residents to look for a place to live elsewhere.

I sincerely hope you do the right think and build in the open lands by hwy 101.

Thank you for your time,

A concerned resident of Morgan Hill

Hector Gutierrez

I432-1

Response to Letter I432 (Hector Gutierrez, April 25, 2010)

I432-1

See Standard Response 6 regarding property values.

Comment Letter I433 (Yania and Doug Munro, April 16, 2010)

I433

Kris Livingston

From: Yania Munro [ygante@yahoo.com]
Sent: Friday, April 16, 2010 3:16 PM
To: Paul.Hofner@ogilvypr.com; HSR Comments
Subject: HSR Letter

We wish to bring to your attention; the great concerns of the residents in our community regarding the proposed HSR corridor from San Francisco to Gilroy.

Our homes - presently 163 single family residences, and 217 when fully built in the near future - are directly bordering the UP Railroad tracks along the Old Monterey Highway, and the current proposed route for the HSR on the North side of the City of Morgan Hill, California.

1) An elevated or at grade level HSR facility will have a negative impact on our community for the following reasons: a) Due to noise, during construction and long term use when project is finalized; b) Vibration due to high long term volume of HSR traffic could result in foundation damage to the houses; c) Visual impact; d) Potential safety issues; e) It will considerably reduce the desirability of our properties, thus reducing the value of our homes which for most is our largest investment.

2) It is also valid to mention safety issues for children walking to and from Sobrato High School, and Burnett Elementary School both in the immediate vicinity to our location.

3) Reducing the number of lanes on Old Monterey Highway drastically reduces the possibility of an alternate route to Highway 101.

4) Choosing the Old Monterey Highway alignment will add city wide traffic congestion, noise, potential accidents on railroad crossings (*there are at least 11 automobile railroad crossings in Morgan Hill*), as well as potential accidents with pedestrian traffic.

5) The City of Morgan Hill has spent a great deal of our hard earned tax dollars to make our Downtown District an

attraction to businesses and patrons. Adding the High Speed Rail train less than 1000 feet away from our Downtown

District will negate much of the hard work and money put into this endeavor.

Our neighborhood is a representation of the many neighborhoods alongside the proposed HSR corridor from San Francisco to Gilroy who will be affected. This proposed corridor will drastically degrade our quality of life in many different ways based on the five points mentioned above.

Furthermore, we emphatically object to the currently proposed San Francisco Morgan Hill / Gilroy corridor alongside the UP Railroad tracks along the Old Monterey Highway. We request a full impact assessment to consider the alternative route which would run along the already established Highway 101 which would be a more common sense and effective route for the HSR. Much of what is currently along Highway 101 is commercially zoned and open space, therefore would not be as adversely affected by the High Speed Rail.

If funds are not available to build the HSR in a way in which tens of thousands of families' lives won't be drastically, permanently, and negatively affected by this project -then it shouldn't be built at all.

Thank you for your consideration.

Yania & Doug Munro

Residents of Morgan Hill, California

Response to Letter I433 (Yania and Doug Munro, April 16, 2010)

I433-1

The comment expresses concerns about noise, vibration, visual, and safety impacts. The 2008 Final Program EIR identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

This comment also expresses concerns about the impacts on property values. See Standard Response 6 regarding impacts on residential property values.

I433-2

The HST project under consideration in the Program EIR includes grade separations to fully separate the HST from local automobile and pedestrian traffic. The HST project also includes a fully access-controlled guideway with intrusion monitoring. The access controls on the HST guideway, combined with the grade separation, are anticipated to prevent easy pedestrian access to the rail tracks. The HST system includes state-of-the-art safety, signaling, and automated train control systems to minimize the potential for derailment; therefore, it would not result in safety issues for children walking to and from school.

I433-3

The need to use the Monterey Highway corridor originated because UPRR has stated its unwillingness to allow use of its right-of-way. The proposal to reduce Monterey Highway from six to four lanes for

the purpose of accommodating the proposed HST project is supported by both the City of San Jose and Caltrans. Detailed traffic analysis at the project-level EIR/EIS will evaluate the impacts due to reduction in lanes of Monterey Highway. Future traffic operations on Monterey Highway and any other affected roadways will be evaluated to determine the potential traffic impacts due to the proposed modification of the highway. Potential for traffic congestion to change or disrupt access or circulation of emergency vehicles will also be evaluated.

I433-4

The comment expresses concerns about traffic congestion, and safety impacts. See the Response to Comment I433-1, above.

I433-5

The comment expresses concerns about potential impacts to the Downtown Morgan Hill redevelopment area. As discussed above, the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material discusses impacts to communities at a program level. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

I433-6

See Standard Response 6 regarding the requirements of CEQA and quality of life impacts.

I433-7

Please see Response to Comment I435-7.

I433-8

This comment is conclusionary in nature. See specific responses above.

Comment Letter I434 (Michelle Cotta, April 16, 2010)

I434

Kris Livingston

From: michelle cotta [mcotta_2000@yahoo.com]
Sent: Friday, April 16, 2010 9:10 AM
To: Paul.Hefner@cgilvypr.com; HSR Comments
Subject: CA High Speed Train through Morgan Hill
Attachments: HSR.letter.Cotta.pdf

Dan Leavitt
 California High Speed Rail Authority
 925 L Street Suite 1425
 Sacramento, CA 95814

We wish to bring to your attention; the great concerns of the residents in our community regarding the proposed HSR corridor from San Francisco to Gilroy.

Our homes - presently 163 single family residences, and 217 when fully built in the near future - are directly bordering the UP Railroad tracks along the Old Monterey Highway, and the current proposed route for the HSR on the North side of the City of Morgan Hill, California.

I434-1

1) An elevated or at grade level HSR facility will have a negative impact on our community for the following reasons: a) Due to noise, during construction and long term use when project is finalized; b) Vibration due to high long term volume of HSR traffic could result in foundation damage to the houses; c) Visual impact; d) Potential safety issues; e) It will considerably reduce the desirability of our properties, thus reducing the value of our homes which for most is our largest investment.

2) It is also valid to mention safety issues for children walking to and from Sobrato High School, and Burnett Elementary School both in the immediate vicinity to our location.

I434-2

3) Reducing the number of lanes on Old Monterey Highway drastically reduces the possibility of an alternate route to Highway 101.

I434-3

4) Choosing the Old Monterey Highway alignment will add city wide traffic congestion, noise, potential accidents on railroad crossings (there are at least 11 automobile railroad crossings in Morgan Hill), as well as potential accidents with pedestrian traffic.

I434-4

5) The City of Morgan Hill has spent a great deal of our hard earned tax dollars to make our Downtown District an attraction to businesses and patrons. Adding the High Speed Rail train less than 1000 feet away from our Downtown District will negate much of the hard work and money put into this endeavor.

I434-5

Our neighborhood is a representation of the many neighborhoods alongside the proposed HSR corridor from San Francisco to Gilroy who will be affected. This proposed corridor will drastically degrade our quality of life in many different ways based on the five points mentioned above.

I434-6

Furthermore, we emphatically object to the currently proposed San Francisco Morgan Hill / Gilroy corridor alongside the UP Railroad tracks along the Old Monterey Highway. We request a full impact assessment to consider the alternative route which would run along the already established Highway 101 which would be a more common sense and effective route for the HSR. Much of what is currently along Highway 101 is commercially zoned and open space, therefore would not be as adversely affected by the High Speed Rail.

I434-7

If funds are not available to build the HSR in a way in which tens of thousands of families' lives won't be drastically, permanently, and negatively affected by this project -then it shouldn't be built at all.

I434-8

Best regards,
 Michelle Cotta

1

Response to Letter I434 (Michelle Cotta, April 16, 2010)

I434-1

The comment expresses concerns about potential impacts along the Old Monterey Highway, including noise, vibration, visual, safety, and property value impacts. The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

See Standard Response 6 regarding impacts on residential property values.

I434-2

See Response to Comment 1433-2.

I434-3

The need to use the Monterey Highway corridor originated because UPRR has stated its unwillingness to allow use of its right-of-way. The proposal to reduce Monterey Highway from six to four lanes for the purpose of accommodating the proposed HST project is supported by both the City of San Jose and Caltrans. Detailed traffic analysis at the project-level EIR/EIS will evaluate the impacts due to reduction in lanes of Monterey Highway. Future traffic operations on Monterey Highway and any other affected roadways will be evaluated to determine the potential traffic impacts due to the proposed modification of the highway. Potential for traffic congestion

to change or disrupt access or circulation of emergency vehicles will also be evaluated.

I434-4

The comment expresses concerns about potential impacts along the Old Monterey Highway, including traffic congestion, noise, and potential accidents. As discussed in the Response to Comment I434-1, the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified that the HST project would result in significant impacts to the physical environment. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

I434-5

The comment expresses concerns about potential impacts to the Downtown Morgan Hill redevelopment area. As discussed above, the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material discusses impacts to communities at a program level. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

I434-6

See Standard Response 6 regarding the requirements of CEQA and quality of life impacts.

I434-7

Please see Response to Comment I435-7.

I434-8

This comment is conclusionary in nature. See specific responses above.

Comment Letter I435 (Concerned residents of Morgan Hill, April 14, 2010)

I435

Kris Livingston

From: Robin Bezanson [robin@robinbezanson.com]
Sent: Wednesday, April 14, 2010 8:27 PM
To: Paul Hefner@ogilvypr.com; HSR Comments
Subject: HSR
Attachments: HSR.letter.pdf
Importance: High

Please see the attached letter.

We are in direct opposition to the planned route by the High Speed Rail Association. I435-1

Please listen to the people.

Robin Bezanson

Realtor® Certified Residential Specialist (CRS)®

Direct 408-892-5763 Fax 408-762-6100

License #01377140

[Click here to Search the MLS!](#)

Visit my website: www.RobinBezanson.com

Oakville Properties ♦ Morgan Hill, California

Dan Leavitt
 California High Speed Rail Authority
 925 L Street Suite 1425
 Sacramento, CA 95814

We wish to bring to your attention; the great concerns of the residents in our community regarding the proposed HSR corridor from San Francisco to Gilroy.

Our homes - presently 163 single family residences, and 217 when fully built in the near future - are directly bordering the UP Railroad tracks along the Old Monterey Highway, and the current proposed route for the HSR on the North side of the City of Morgan Hill, California. I435-2

1) An elevated or at grade level HSR facility will have a negative impact on our community for the following reasons: a) Due to noise, during construction and long term use when project is finalized; b) Vibration due to high long term volume of HSR traffic could result in foundation damage to the houses; c) Visual impact; d) Potential safety issues; e) It will considerably reduce the desirability of our properties, thus reducing the value of our homes which for most is our largest investment.

2) It is also valid to mention safety issues for children walking to and from Sobrato High School, and Burnett Elementary School both in the immediate vicinity to our location. I435-3

3) Reducing the number of lanes on Old Monterey Highway drastically reduces the possibility of an alternate route to Highway 101. I435-4

4) Choosing the Old Monterey Highway alignment will add city wide traffic congestion, noise, potential accidents on railroad crossings (*there are at least 11 automobile railroad crossings in Morgan Hill*), as well as potential accidents with pedestrian traffic. I435-5

5) The City of Morgan Hill has spent a great deal of our hard earned tax dollars to make our Downtown District an attraction to businesses and patrons. Adding the High Speed Rail train less than 1000 feet away from our Downtown District will negate much of the hard work and money put into this endeavor. I435-6

Our neighborhood is a representation of the many neighborhoods alongside the proposed HSR corridor from San Francisco to Gilroy who will be affected. This proposed corridor will drastically degrade our quality of life in many different ways based on the five points mentioned above.

Furthermore, we emphatically object to the currently proposed San Francisco Morgan Hill / Gilroy corridor alongside the UP Railroad tracks along the Old Monterey Highway. We request a full impact assessment to consider the alternative route which would run along the already established Highway 101 which would be a more common sense and effective route for the HSR. Much of what is currently along Highway 101 is commercially zoned and open space, therefore would not be as adversely affected by the High Speed Rail. I435-7

If funds are not available to build the HSR in a way in which tens of thousands of families' lives won't be drastically, permanently, and negatively affected by this project -then it shouldn't be built at all. I435-8

Thank you for your consideration.

Concerned residents of Morgan Hill, California

Response to Letter I435 (Concerned residents of Morgan Hill, April 14, 2010)

I435-1

Comment acknowledged. The San Jose to Merced project team has been holding meetings in the Gilroy-San Martin-Morgan Hill area since March 2009 soliciting input from the community.

I435-2

The comment expresses concerns about potential impacts along the Old Monterey Highway, including noise, vibration, visual, safety, and property value impacts. The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

See Standard Response 6 regarding impacts on residential property values.

I435-3

See Response to Comment 1433-2.

I435-4

The need to use the Monterey Highway corridor originated because UPRR has stated its unwillingness to allow use of its right-of-way. The proposal to reduce Monterey Highway from six to four lanes for the purpose of accommodating the proposed HST project is supported by both the City of San Jose and Caltrans. Detailed traffic analysis at the project-level EIR/EIS will evaluate the impacts due to

reduction in lanes of Monterey Highway. Future traffic operations on Monterey Highway and any other affected roadways will be evaluated to determine the potential traffic impacts due to the proposed modification of the highway. Potential for traffic congestion to change or disrupt access or circulation of emergency vehicles will also be evaluated.

I435-5

The comment expresses concerns about potential impacts along the Old Monterey Highway, including traffic congestion, noise, and potential accidents. As discussed in the Response to Comment I435-2, the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified that the HST project would result in significant impacts to the physical environment. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

I435-6

The comment expresses concerns about potential impacts to the Downtown Morgan Hill redevelopment area. As discussed above, the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material discusses impacts to communities at a program level. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

I435-7

Comment acknowledged. US 101 alternative alignments will be evaluated as part of the project-level EIR/EIS analysis.

I435-8

This comment is conclusionary in nature. See specific responses above.

Comment Letter I436 (Concerned residents of Morgan Hill, April 14, 2010)

Kris Livingston

I436

From: Romielyn Valiente [mye_0412@yahoo.com]
Sent: Wednesday, April 14, 2010 9:24 PM
To: HSR Comments
Subject: HSR

Dan Leavitt
 California High Speed Rail Authority
 925 L Street Suite 1425
 Sacramento, CA 95814

We wish to bring to your attention; the great concerns of the residents in our community regarding the proposed HSR corridor from San Francisco to Gilroy.
 Our homes - presently 163 single family residences, and 217 when fully built in the near future - are directly bordering the UP Railroad tracks along the Old Monterey Highway, and the current proposed route for the HSR on the North side of the City of Morgan Hill, California.
 1) An elevated or at grade level HSR facility will have a negative impact on our community for the following reasons: a) Due to noise, during construction and long term use when project is finalized; b) Vibration due to high long term volume of HSR traffic could result in foundation damage to the houses; c) Visual impact; d) Potential safety issues; e) It will considerably reduce the desirability of our properties, thus reducing the value of our homes which for most is our largest investment.
 2) It is also valid to mention safety issues for children walking to and from Sobrato High School, and Burnett Elementary School both in the immediate vicinity to our location.
 3) Reducing the number of lanes on Old Monterey Highway drastically reduces the possibility of an alternate route to Highway 101.
 4) Choosing the Old Monterey Highway alignment will add city wide traffic congestion, noise, potential accidents on railroad crossings (there are at least 11 automobile railroad crossings in Morgan Hill), as well as potential accidents with pedestrian traffic.
 5) The City of Morgan Hill has spent a great deal of our hard earned tax dollars to make our Downtown District an attraction to businesses and patrons. Adding the High Speed Rail train less than 1000 feet away from our Downtown District will negate much of the hard work and money put into this endeavor.
 Our neighborhood is a representation of the many neighborhoods alongside the proposed HSR corridor from San Francisco to Gilroy who will be affected. This proposed corridor will drastically degrade our quality of life in

many different ways based on the five points mentioned above.
 Furthermore, we emphatically object to the currently proposed San Francisco Morgan Hill / Gilroy corridor alongside the UP Railroad tracks along the Old Monterey Highway. We request a full impact assessment to consider the alternative route which would run along the already established Highway 101 which would be a more common sense and effective route for the HSR. Much of what is currently along Highway 101 is commercially zoned and open space, therefore would not be as adversely affected by the High Speed Rail.
 If funds are not available to build the HSR in a way in which tens of thousands of families' lives won't be drastically, permanently, and negatively affected by this project -then it shouldn't be built at all.
 Thank you for your consideration.
 Concerned residents of Morgan Hill, California

I436-5
 cont.

I436-6

I436-7

I436-1

I436-2

I436-3

I436-4

I436-5

Response to Letter I436 (Concerned residents of Morgan Hill, April 14, 2010)

I436-1

The comment expresses concerns about potential impacts along the Old Monterey Highway, including noise, vibration, visual, safety, and property value impacts. The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

See Standard Response 6 regarding impacts on residential property values.

I436-2

See Response to Comment 1433-2.

I436-3

The need to use the Monterey Highway corridor originated because UPRR has stated its unwillingness to allow use of its right-of-way. The proposal to reduce Monterey Highway from six to four lanes for the purpose of accommodating the proposed HST project is supported by both the City of San Jose and Caltrans. Detailed traffic analysis at the project-level EIR/EIS will evaluate the impacts due to reduction in lanes of Monterey Highway. Future traffic operations on Monterey Highway and any other affected roadways will be evaluated to determine the potential traffic impacts due to the

proposed modification of the highway. Potential for traffic congestion to change or disrupt access or circulation of emergency vehicles will also be evaluated.

I436-4

The comment expresses concerns about potential impacts along the Old Monterey Highway, including traffic congestion, noise, and potential accidents. As discussed in the Response to Comment I436-1, the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified that the HST project would result in significant impacts to the physical environment. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

I436-5

The comment expresses concerns about potential impacts to the Downtown Morgan Hill redevelopment area. As discussed above, the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material discusses impacts to communities at a program level. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

I436-6

Please see Response to Comment I435-7.

I436-7

This comment is conclusionary in nature. See specific responses above.

Comment Letter I437 (Concerned residents of Morgan Hill, April 14, 2010)

Kris Livingston

I437

From: markkrisveils@charter.net
Sent: Wednesday, April 14, 2010 7:44 PM
To: HSR Comments
Cc: Paul.Hefner@ogilvypr.com
Subject: HSR

Dan Leavitt
 California High Speed Rail Authority
 925 L Street Suite 1425
 Sacramento, CA 95814

We wish to bring to your attention; the great concerns of the residents in our community regarding the proposed HSR corridor from San Francisco to Gilroy.

Our homes - presently 163 single family residences, and 217 when fully built in the near future - are directly bordering the UP Railroad tracks along the Old Monterey Highway, and the current proposed route for the HSR on the North side of the City of Morgan Hill, California.

1) An elevated or at grade level HSR facility will have a negative impact on our community for the following reasons: a) Due to noise, during construction and long term use when project is finalized; b) Vibration due to high long term volume of HSR traffic could result in foundation damage to the houses; c) Visual impact; d) Potential safety issues; e) It will considerably reduce the desirability of our properties, thus reducing the value of our homes which for most is our largest investment.

I437-1

2) It is also valid to mention safety issues for children walking to and from Sobrato High School, and Burnett Elementary School both in the immediate vicinity to our location.

I437-2

3) Reducing the number of lanes on Old Monterey Highway drastically reduces the possibility of an alternate route to Highway 101.

I437-3

4) Choosing the Old Monterey Highway alignment will add city wide traffic congestion, noise, potential accidents on railroad crossings (there are at least 11 automobile railroad crossings in Morgan Hill), as well as potential accidents with pedestrian traffic.

I437-4

5) The City of Morgan Hill has spent a great deal of our hard earned tax dollars to make our Downtown District an attraction to businesses and patrons. Adding the High Speed Rail train less than 1000 feet away from our Downtown District will negate much of the hard work and money put into this endeavor.

I437-5

Our neighborhood is a representation of the many neighborhoods alongside the proposed HSR corridor from San Francisco to Gilroy who will be affected. This proposed corridor will drastically degrade our quality of life in many different ways based on the five points mentioned above.

Furthermore, we emphatically object to the currently proposed San Francisco Morgan Hill / Gilroy corridor alongside the UP Railroad tracks along the Old Monterey Highway. We request a full impact assessment to consider the alternative route which would run along the already established Highway 101 which would be a more common sense and effective route for the HSR. Much of what is currently along Highway 101 is commercially zoned and open space, therefore would not be as adversely affected by the High Speed Rail.

I437-6

If funds are not available to build the HSR in a way in which tens of thousands of families' lives won't be drastically, permanently, and negatively affected by this project -then it shouldn't be built at all.

I437-7

Thank you for your consideration.
 Concerned residents of Morgan Hill, California

Response to Letter I437 (Concerned residents of Morgan Hill, April 14, 2010)

I437-1

The comment expresses concerns about potential impacts along the Old Monterey Highway, including noise, vibration, visual, safety, and property value impacts. The 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified that the HST project would result in significant impacts to the physical environment. The 21 network alternatives studied in the EIR each involve adverse environmental impacts, along with substantial project benefits. The EIR identified mitigation strategies to address the adverse impacts to the greatest extent feasible. In addition, the EIR discloses that regardless of alternative selected, significant adverse environmental impacts are anticipated, though the scale and location of these impacts may differ between alternatives. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

See Standard Response 6 regarding impacts on residential property values.

I437-2

See Response to Comment 1433-2.

I437-3

The need to use the Monterey Highway corridor originated because UPRR has stated its unwillingness to allow use of its right-of-way. The proposal to reduce Monterey Highway from six to four lanes for the purpose of accommodating the proposed HST project is supported by both the City of San Jose and Caltrans. Detailed traffic analysis at the project-level EIR/EIS will evaluate the impacts due to reduction in lanes of Monterey Highway. Future traffic operations on Monterey Highway and any other affected roadways will be evaluated to determine the potential traffic impacts due to the

proposed modification of the highway. Potential for traffic congestion to change or disrupt access or circulation of emergency vehicles will also be evaluated.

I437-4

The comment expresses concerns about potential impacts along the Old Monterey Highway, including traffic congestion, noise, and potential accidents. As discussed in the Response to Comment I437-1, the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material identified that the HST project would result in significant impacts to the physical environment. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

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The comment expresses concerns about potential impacts to the Downtown Morgan Hill redevelopment area. As discussed above, the 2008 Final Program EIR and the 2010 Revised Draft Program EIR Material discusses impacts to communities at a program level. Additional site-specific analysis of impacts will be conducted for the project-level EIR/EISs.

I437-6

Comment acknowledged.

I437-7

This comment is conclusionary in nature. See specific responses above.

Comment Letter I438 (Concerned residents of Morgan Hill, April 16, 2010)

1438

Kris Livingston

From: Naron, Marilou [MNaron@wsgr.com]
Sent: Friday, April 16, 2010 8:36 AM
To: 'Paul Hefner@ogilvypr.com'; HSR Comments
Subject: Morgan Hill Resident Letter of Objection to the currently proposed San Francisco Morgan Hill / Gilroy corridor alongside the UP Railroad tracks along the Old Monterey Highway
Attachments: HSR.letter[1].pdf
Importance: High

Hi,

Please see attached letter.

Please hear us.

Thank you,
Marilou

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by others is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments thereto.

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I438-6

See Standard Response 6 regarding the requirements of CEQA and quality of life impacts.

I438-7

Please see Response to Comment I435-7.

I438-8

This comment is conclusionary in nature. See specific responses above.